

# JOURNAL

OF THE

FIFTH BIENNIAL SESSION

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF ALABAMA,

SESSION OF 1855-'56.

HELD IN THE

CITY OF MONTGOMERY.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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# JOURNAL.

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MONTGOMERY, ALABAMA, }  
Monday, November 12th, 1855. }

This being the second Monday in November, one thousand eight hundred and fifty-five, the day fixed by law, for the meeting of the General Assembly of the State of Alabama, the following members appeared within the bar of the House of the State Capitol.

On motion of

Mr. Chapman, Mr. H. D. Smith, was called to the Chair, and on motion of

Mr. Graham, Mr. Frank Gilbreath, was appointed Clerk, pro tem.

The roll of the House being called, the following members were qualified and took their seats.

From the county of

*Autauga*—C. M. Jackson ;

*Barbour*—J. Cochran, W. A. Browder and W. J. Grubbs ;

*Benton*—W. P. Davis, Isaac P. Moragne ;

*Bibb*—E. H. Bernhard, J. W. Crawford ;

*Blount*—T. H. Staton, Ruben Ellis ;

*Butler*—R. R. Wright, John S. McMullen ;

*Chambers*—Taliafeuw Towles, John R. Alford, George F. Taylor ;

*Cherokee*—Henry C. Sanford, E. G. Bradley and Samuel C. Ward ;

*Choctaw*—John W. Pennington ;

*Clark*—J. J. Goode ;

*Coffee*—A. L. Milligan ;

*Conecuh*—A. J. Jay ;

*Coosa*—N. S. Graham and George Taylor ;

*Covington*—W. T. Acree ;

*Dallas*—B. M. Woolsey, R. J. English ;  
*Dale*—James Ward ;  
*DeKalb*—Wm. O. Winston, Jesse Burgess ;  
*Fayette*—J. C. Kirkland, T. P. McConnell ;  
*Franklin*—W. M. Smith, L. B. Thornton, Thomas Thorn ;  
*Greene*—G. N. Carpenter, Wm. H. Fowler ;  
*Hancock*—A. Little ;  
*Henry*—Aaron Odum, James Pynes ;  
*Jackson*—Moses Maples, F. A. Hancock, W. R. Larkins ;  
*Jefferson*—John Camp ;  
*Lauderdale*—R. W. Walker, H. D. Smith ;  
*Lawrence*—W. M. Galloway, F. W. Sykes ;  
*Lincolnton*—Thomas H. Hobbs, Luke Pryor ;  
*Lowndes*—Wm. Barry and S. D. Moorer ;  
*Macon*—N. G. Owen, W. Echols, J. H. Cunningham ;  
*Madison*—John T. Haden, R. Chapman ;  
*Marshall*—James L. Sheffield, James Critcher ;  
*Marengo*—  
*Martin*—Kinbro T. Brown ;  
*Mobile*—James Battle, J. M. Withers, Washington M. Smith, W. B. H. Howard ;  
*Monroe*—Samuel Portis ;  
*Montgomery*—James E. Belser, James H. Clanton ;  
*Morgan*—Green P. Rice ;  
*Perry*—Wm. S. Miree, John C. Reid ;  
*Pickens*—T. L. Nabors, Samuel Williams ;  
*Pike*—W. J. McBride, Duncan L. Nicholson ;  
*Randolph*—Wm. H. Smith ;  
*Russell*—Wm. C. Dawson, Jr., Edgar Garlick ;  
*Shelby*—N. R. King ;  
*St. Clair*—  
*Sumter*—Wm. J. Gilmore, Jerome Clanton ;  
*Talladega*—J. L. M. Curry, J. W. Bishop, D. H. Remson ;  
*Tallapoosa*—A. G. Peddy, Hugh Locket, J. T. Shackelford ;  
*Tusculum*—E. H. Powell, Newburn H. Brown ;  
*Walker*—John Manasco ;  
*Washington*—James White ;  
*Wilcox*—F. R. Beck, George Lynch.

On motion of

Mr. Jackson, the House proceeded to the election of a Speaker.

Mr. Walker, from Lauderdale, alone being in nomination, and having received all the votes cast, (eighty seven,) was escorted to the Chair, by a committee composed of Messrs

Davis, Thornton and Jackson, was qualified and took his seat and entered upon the discharge of his duties.

The House then proceeded to the election of principal Clerk.

Albert Elmore, of Autauga, alone being in nomination, and having received all the votes cast, (eighty-eight,) was declared duly elected Clerk, was qualified and entered upon the discharge of his duties.

The House then proceeded to the election of an assistant Clerk.

Messrs. Chapman, Lampley, Hilliard and Stiff, being in nomination.

Those who voted for Mr. Chapman, are Messrs. Speaker, Acree, Alford, Bernhard, Beck, Bishop, Bradley, Brown, of Marion, Burgess, Byrne, Chapman, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Fowler, Garlick, Goode, Graham, Halen, Hancock, Hobbs, Jackson, King, Kirkland, Larkins, Little, Locket, Lynch, Manasco, Maples, McConnell, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Williams, Winston.—54.

Those who voted for Mr. Lampley, are Messrs. Battle, Brown, of Tuscaloosa, Browder, Cochran, Grubbs, Smith, of Franklin —6.

Those who voted for Mr. Hilliard, are Messrs. Barry, Carpenter, Clanton, of Montgomery, Clanton, of Sumpter, Crawford, Cunningham, Echols, English, Galloway, Gilmore, Howard, Jay, McBride, Miree, Moore, Nickolson, Odem, Owen, Powell, Pryor, Reid, Smith, of Mobile, Sykes, Thornton, Thorn, White, Wright, Woolsey.—29.

Mr. Camp, voted for Mr. Stiff.

Mr. Chapman, having received a majority of all the votes cast, was declared by Mr. Speaker, to have been duly elected, was qualified and entered upon the discharge of his duties.

The House then proceeded to the election of an Engrossing Clerk.

Messrs. Carden, Hogan and Moore, being in nomination.

Those who voted for Mr. Carden, are Messrs. Speaker, Acree, Alford, Beck, Bishop, Bradley, Browder, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Grubbs, Halen, Hancock, Hobbs, Jackson, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, Maples, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Rice, Remson, Sanford,

Shackleford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Williams, Winston,—54.

Those who voted for Mr. Hogan, are Messrs. Barry, Brown, of Tuskaloosa, Cunningham, English, Galloway, Howard, Jay, McBride, Miree, Moorner, Nicholson, Odom, Owen, Powell, Pryor, Reid, Smith, of Mobile, Ward, of Dale, White, Wright, Woolsey.—20.

Those who voted for Mr. Moore, are Messrs. Battle, Bernhard, Belser, Brown, of Marion, Byrne, Carpenter, Clanton, of Montgomery, Clanton, of Sumter, Crawford, Fowler, Gilmore, Smith, of Franklin, Sykes, Thornton, Thorn.—15.

Mr. Carden, having received a majority of the whole number of votes cast, was declared duly elected and was qualified.

The House then proceeded to the election of a Door Keeper.

Messrs. Busom, McCall, Heard, Young and Maxey, being in nomination.

Those who voted for Mr. Busom, are Messrs. Speaker, Acree, Alford, Beck, Bishop, Bradly, Brown, of Marion, Burgess, Camp, Chapman, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Haden, Hancock, Hobbs, Jackson, King, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, Maples, McConnel, McMullin, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackleford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Williams, Winston.—54.

Those who voted for Mr. McCall, are Messrs. Barry, Brown, of Tuskaloosa, Browder, Byrne, Clanton, of Sumter, Cochran, Echols, English, Gilmore, Grubbs, McBride, Nicholson, Odom, Powell, Thorn, Ward, of Dale, Wright.—18.

Messrs. Cunningham, Owen, Pryor, Woolsey, voted for Mr. Heard.

Messrs. Miree, Reid, White, voted for Mr. Young.

Mr. Busom, having received a majority of the whole number of votes cast, was qualified and entered upon the discharge of his duties.

Mr. Jackson, offered the following resolution,

*Resolved*, That the Clerk inform the Senate, that the House of Representatives, has organized by electing the Hon. R. W. Walker, of Lauderdale, Speaker Albert S. Elmore, principal Clerk; R. H. Chapman, assistant Clerk; C. C. Carden, Engrossing Clerk and Vistel Busom, Door Keeper, and are now ready to proceed to business.

*Resolved*, That Editors and Reporters of newspapers, be allowed a seat within the bar of the House.

Mr. Graham, offered the following resolution,

*Resolved*, That the Rules of the House of Representatives of the last General Assembly, be, and the same are hereby adopted as the Rules of this House until otherwise ordered, and that 133 copies be printed for the use of the Senate and House, adopted.

On motion,

The House adjourned until 4 o'clock, P. M.

#### AFTERNOON SESSION, Nov. 12, 1855.

House met pursuant to adjournment.

Message from the Senate by Mr. Taul.

Mr. Speaker, the Senate has adopted the following resolution,

*Resolved*, That the House be informed that the Senate has organized, by the election of the Hon. B. C. Yancy, of Cherokee, President; J. H. Phelan, of Coosa, Secretary; Micah Taul, of Talladega, Assistant Secretary, and W. B. Pagete, of Jackson, Door Keeper, and are now ready to proceed to business,

Which on motion of

Mr. Davis, was laid on the table.

Mr. Davis offered the following resolution,

*Resolved*, That the Speaker appoint the following standing committees:

A Committee on the Judiciary,
“ “ “ Ways and Means,
“ “ “ State Bank and Branches,
“ “ “ Privileges and Elections,
“ “ “ Military,
“ “ “ Internal Improvements,
“ “ “ Education,
“ “ “ Propositions and Grievances,
“ “ “ Agriculture,
“ “ “ Accounts,
“ “ “ State Printing,
“ “ “ County Boundaries.
“ “ “ Enrolled Bills,
“ “ “ Divorce and Allimony,
“ “ “ Roads, Bridges and Ferries,
“ “ “ State Capitol,
“ “ “ Corporations,

“ “ “ Federal Relations,  
 “ “ “ Penitentiary,  
 “ “ “ Sixteenth Section Fund.

Mr. Curry offered the following Resolution :

That a committee of three be appointed to wait on the Governor, to act with a like committee on the Senate, and inform him that the two Houses have organized and are ready to receive any communication that he may have to lay before the Houses.

Messrs. Curry, Sykes, Beck are appointed said committee.

And the House adjourned until to-morrow morning, 10 o'clock.

November 15, 1855.

The House met pursuant to adjournment.

Mr. Curry introduced a bill to be entitled an act to authorize the Probate Court of Jefferson county to decree a sale of certain lands therein named.

Mr. Chapman introduced a bill entitled an act to enlarge the Winter term of the Chancery Court of the 29th District of the Northern Division.

Mr. Howard introduced a bill to be entitled an act as to the forms of Clerks of Common Law Courts.

Mr. Nabors introduced a bill to be entitled an act to repeal 930 of the Code.

Mr. Chapman, an act to incorporate the Huntsville Hotel Company.

Mr. Towles, a bill to be entitled an act to repeal section 2257 of the Code.

Mr. Reid, a bill to compensate tales jurors in certain cases, which were severally read and ordered to a second reading.

Mr. Curry, Joint Resolutions proposing an amendment to the Constitution, providing for the reduction of square miles in a county, which was read and ordered to a second reading,

Also, a petition from T. M. Perryman for the reorganization of the militia, which was referred to the committee on Military.

Messrs. McClanahan of Shelby, and Beavers, of St. Clair, appeared within the Hall of the House, was qualified and took their seats.

Mr. Powell offered the following resolution :

That a committee on Banks and Banking be added to the standing committee raised by the House on yesterday ; adopted.

Message from the Senate by Mr. Taul :

*Resolved*, that a committee of three be appointed on the part

of the Senate, to act with a like committee on the part of the House, to report rules for the government of the two Houses when in convention.

Messrs. Acklin, Jemison and Malone were appointed said committee on the part of the Senate.

The House concurred in the resolution and appointed Messrs Jackson, Cochran and Graham on the part at the House.

The committee appointed to wait upon his Excellency, the Governor, reported they had discharged the duties assigned them, and that at 12 M., his Excellency would communicate to the House his biennial Message.

Mr. Smith, of Franklin, offered the following resolution:

*Resolved*, That the committee on Ways and Means, when raised, be instructed to enquire into the expediency of placing the same dollars at the disposal of the government to pay the expenses of the removal of young men to the Territory of Kansas, and report by bill or otherwise. Adopted.

The hour of 12 having arrived, the Governor's Message was received, and is as follows:

*Gentlemen of the Senate*

*and House of Representatives:*

I congratulate you on the circumstances under which you assemble. We have abundant cause for continued thankfulness to that Supreme Providence, who overlooks and governs the affairs of men and nations, for a continuance of most of the blessings of life. Those engaged in the cultivation of the earth, have generally been favored with the fulness of increased production of its fruits, which most conduce to the support and enjoyment of the human family. Not only have we abundant crops of grain, but the product of the great staple of the State is such, as to enable us to enjoy many of the luxuries of life, and to discharge our pecuniary obligations to others.

While the industry of the planter has thus been rewarded, we have been exempt from the devastating ravages of disease, to the extent that others have suffered. Though we have been so spared and blessed as a people, yet we have to regret the loss of some of our most worthy and estimable citizens. Of the number whose death we have to deplore, is my immediate predecessor, the Hon. Henry W. Collier, who, in the vigor of physical and mental ability, addressed you the last biennial communication from this department. He had been long honorably connected with the public service in this State, and at all times enjoyed the confidence of those who knew him, as a

man of ability, integrity, and sterling worth. He died in the Northern part of the State, whither he had gone to recruit his health. In his death the community have lost a good citizen, and the State a faithful servant.

Peace, and a quiet obedience to, and respect for law, and strict regard for the rights of others, characterise the conduct of our citizens. We have to deplore none of those outrages and breaches of moral and legal obligations that appear in other communities. No strange heresies blur the fair fame of the moral and political character of Alabama. A faithful observance of all legal and constitutional obligation, is a leading and prominent trait in the character of our people. Living fully up to the enlightened and christianized spirit of the age, they show themselves to be entitled to that character of manliness and chivalry, which constitutes the true American citizen. It is gratifying to see institutions of learning increasing and flourishing in all sections of the State, built up by the free will offering, energy and liberality of the people. It is a matter of some surprise, however, to observe that most Academies and Colleges are intended for the education and accomplishment of the female portion of our youth. While it is another evidence of the advancement of Southern cultivation, and chivalrous feelings, it is equally to be desired to see institutions of a similar character, for the culture of the young men of the State, appreciated and patronized by public liberality.

It is a subject of surprise and mortification, that the University of our own State has not obtained that degree of success and favor in the estimation of Alabamians, to which it is justly entitled. With an able and learned faculty, with every requisite for a thorough education, it seems to have been neglected, by those who should feel the deepest interest in its success and usefulness. It may be, that those who send their sons to other States, to pass through a collegiate course, desire them to be early inculcated with a proper sense of humility, and an acknowledgement of Southern inferiority, so much taught, and so thoroughly impressed in many of the institutions of the North, patronised by Southern youth. It will doubtless have the *happy* effect of inducing early submission to personal and political wrong, not a natural trait in the young men of the South, but a sentiment, it may be considered by some important, they should learn early. Or it may be, that those who seek an education far from home, expect to be able to pass for men of great accomplishments, on the reputations of schools gone through, rather than the solid-



ity of their collegiate attainments. Be the cause what it may, the lamentable fact exists that the University of Alabama does not hold that position in the public estimation that it should. I earnestly invite the Legislative wisdom to a consideration of the cause, and the application of the proper remedy.

The results of the School Bill of the last session, have not been so favorable as were hoped for by its friends. In some parts of the State it has worked well, in others it has not been well received, and not been productive of good. It was not to have been expected, however, that a system perfectly harmonious could have been adopted at once. It is to be hoped that the present Legislature, acting on the suggestions of the Superintendent, may be able to correct all imperfections, so as to make it acceptable to the whole people, and of greater utility to those for whose benefit it was enacted.

Large sums of money have been expended in the construction of the Insane Hospital, and the building is far from completion. Unfortunately a plan has been adopted which, to be fully carried out, will require heavy appropriations from the State Treasury. If it be considered an imperative obligation upon the State to maintain a Lunatic Asylum, it may be well to decide whether a proper regard for economy would not be consulted by the commencement of a new building, more suitable to the demands for a house for the purposes intended, as well as the financial condition of the State. A healthy location, cheerful mountain views, pleasant scenery, good water, &c., &c., have all been deemed indispensably necessary for the cure of the mind diseased. As a matter of economy, an Asylum should be located in a country where land, labor, and the supplies of life, are abundant and cheap; as well as a point easy of access from all parts of the State. If the building now commenced should be completed, large sums would have to be appropriated, to keep it in a state of preservation. A house of such dimensions, it is hoped, will not soon be demanded by the wants of that unfortunate class in our State.

Nothing important or new has transpired in regard to the financial condition of the State. Alabama bonds have not to any great extent been upon the markets, consequently they have not been taken up, as they would have been, to the limited extent of our available means. The reports of the State Commissioner, Treasurer, and Comptroller, will present a detailed and particular statement of the finances of the State. The present revenue act raises more money than is required to carry on, economically administered, the ordinary affairs of

the State Government, and as it is improper and unjust to collect from the people more money than the necessities of the State absolutely demand, the present rate of taxation might be very properly reduced. It is unjust to a people who have at all times promptly responded to whatever calls that have been made, to burden them with such taxation as may create a surplus in the Treasury, to lie there unemployed, or become the subject of controversy between different interests, for the doubtful privilege of borrowing it. Altho' it is no part of the legitimate business of the State to lend its means or credit to its citizens, no matter in what pursuit engaged, it may be proper, as a financial operation, to lend to such enterprises as are considered of public utility whatever unproductive surplus there may be in the Treasury of the State, unavailable in the payment of State obligations, which is the first duty to the people and our creditors; provided, the parties borrowing, guarantee by security, both personal and real, the prompt payment of principal and interest, at some early date. The sum of four hundred thousand dollars has been loaned to the Mobile and Ohio Railroad Company, agreeable to the act authorizing the loan, and the interest has been paid promptly, according to the terms of the loan.

The propriety of the State loaning its credit, or raising the means from the people, to aid in the construction of railroads, appears not to have received the approbation either of the people, or those seeking place in the councils of the State. I look on it as a most fortunate circumstance for the country, that the sober common sense of the people was of such force as to correct so promptly the mania that pervaded the minds of many, but a few months since. We should rejoice that for the future, there is hope that the acts of the State will be confined to the few simple legitimate purposes of a republican government. The amount last to the credit of the State in the Treasury of the United States was paid to the order of the State Commissioner direct, and did not pass through the State Treasury. The sum loaned to the Cahaba and Woodville Plank Road Company, by failure on part of the company to comply with the terms of the loan, has become due. Proceedings have not been instituted against the company on assurance that the money would be paid without a resort to coercive measures.

The report of the State Commissioner will show the amount of assets yet appertaining to the several Banks in liquidation, and the means yet to be expected from that source. The State Banks have been in liquidation now about twelve

years, and many of the debts yet outstanding have been in existence a much longer time. The people have a right to demand that this unfortunate experiment at State financing be brought to a close. The expensive machinery of mending up should be condensed. It will doubtless be necessary to continue the office of State Commissioner, or agent, but by a transfer of books and papers to not more than two places, the business could be so consolidated, as to require but few offices, and at lessened expense. Those who have taken so long to pay their debts, will have no just cause to complain at having to pay, at this late period, at a point less convenient than the original. The reissue of the bills or notes of defunct banks, in my estimation, is no longer admissible or proper, and could only have been excused by the straightened situation in which the crisis of broken Banks and failing credit placed us at the bursting of the system, and can no longer be justified by any principle of sound business policy, or good faith. The notes of the State Banks once taken up should be destroyed, and not thrown out, a depreciated currency, to drive out the better, and to be redeemed again by the people. It is an act of injustice to State officers and State creditors, to be compelled to receive payment in any currency not at par with gold and silver; an act, in the minds of many well informed persons, of doubtful constitutionality. Entertaining these views, I feel it to be my duty to urge upon the Legislative department the propriety of an act requiring the speedy burning of every bill of the State Banks, that may come into the hands of the Commissioner or Treasurer.

The Executive is required by law to visit the Penitentiary at least once in every year. The transfer of the management and discipline of the prison to lessees, makes this a duty of little practical utility. The lessees claim the privilege of using the labor of the convicts in such manner as to best promote their pecuniary interest. I look upon the experiment of leasing the prison to private individuals, who engage in the business for pecuniary profit, as of very questionable policy, as being adopted by the Legislature as a dernier resort, under difficulties, and a virtual abandonment of the expectation of reformation, which was one of the chief arguments in favor of the adoption of that mode of punishment. The system may be liable to favoritism towards some convicts, and oppression to others. A considerable portion of the inmates of the Penitentiary have been persons convicted in the Federal Court for violation of the laws of the United States. For the care and keeping of these convicts, the Federal Government has paid,

at different times, considerable sums of money. It is a matter for legal enquiry, whether the money so paid has been properly applied. The Penitentiary is believed to be of sufficient extent to hold all who have been, or are likely to be committed to its keeping, for a violation of the laws of the State. The law in regard to the escape of prisoners, both from the Penitentiary and County Jails, needs amendment. The laws requires the Warden to communicate to the Governor all escapes that may occur, yet makes no provision for any action on his part to cause the apprehension of those escaping. The Executive should be clothed with authority to offer a reward for the delivery of fugitives at the expense of those from whose custody they may have escaped. Jail-breaking has been frequent, and escapes common, yet the law, as it now is, does not empower the Executive to cause them to be retaken. The law of rewards is wholly defective, only authorizing a reward to be offered in case of escape before apprehension. I have exercised the power of Executive clemency to a limited extent, in most cases where the conduct of the convict had been good, and he had served out a portion of what was considered a hard sentence. I conceive it would be proper to authorize a conditional pardon in some cases, provided the convict would leave the State, never to return on the pain of being retaken. The State would be so relieved of the presence of such persons for the future. The health of the convicts for the last year, from the report of the Physician and Inspectors, appears to have been worse than usual. One of the principal causes assigned is the want of an abundant supply of good water. If the law is not sufficient to compel the lessees to furnish all that may be required, it should be made so.

In obedience to the joint resolution of February 8, 1854, on the subject of the line between Georgia and Alabama, I engaged the services of the Hons. E. S. Dargan and James E. Belser, to represent the State before the Court by which the question is to be decided. From their known integrity and ability, I have every reason to expect that the merits of the question will be so presented to the high tribunal before which the matter is to be tested as to insure a decision agreeable to the principles of justice and law, and a final settlement of the vexatious question.

In conformity to the act authorizing a geological survey of the State, I appointed Professor M. Tuomy, of the University, State Geologist. The act requires that he should make report to the Legislature. I am informed by him that he will, at an early date, be prepared with the report. I sincerely hope

it will meet fully the most sanguine expectations of the friends of the measure, and add to the fund of information on the subject investigated, so as to lead to further knowledge of the structure of the State, and be the means of developing and promoting the future wealth of the same.

In compliance with the law, (Code 434,) I engaged the services of R. T. Scott, Esq., to make out the registers of land sold in the State. He has for some months been busily engaged in that service. The cost of the work has been, greatly more than was expected by me, or was perhaps contemplated by the Legislature. Making it obligatory on the Executive to have the work done, no discretion was vested in this Department on the subject. Although the cost to the State will be heavy, it is believed by those acquainted with the subject that the full amount of the cost will be saved to the State in the first year's assessment on land.

Conceiving it to be unwise and impolitic to retain on the statute book any law fallen into disrepute and become obsolete by force of public opinion, I am constrained to invite the legislative body to consider the propriety of a total repeal of the general Military laws. The necessity of a well trained militia is no longer recognised by our people, or enforced by those holding high military offices. Generally, no attention is paid to the subject. In some parts of the State, the people are called from their business and homes for little practical good. In the place of the present exploded system, I suggest the propriety of encouraging volunteer companies, by granting exemption from other public duties those who may be regularly drilled in organized volunteer corps. The volunteer regiment in the city of Mobile is equal to any citizen soldiery in the United States. Other regiments would be raised in the same manner, but for the old plan, which is now equivalent to, and worse than none.

Much of the legislation heretofore enacted, upon examination, will be found to be of a special character—of no general interest to the State. Ample provision has been made in the Code for legislation of that character. Acts for incorporation, charters for schools, colleges and manufacturing companies, encumber the statute books, while the object intended to be accomplished may be attained at much less trouble to the parties concerned by complying with the general law as already provided. The time of the Legislature is taken up, the session protracted, the laws made voluminous—all at great expense to the people of the State, by the continuance of such a course. Acting under a sense of duty to the people of the State, and having

such opinions, I cannot be expected to become a party to legislation of a like character. The statutes on the subject of usury in enlightened communities have of late years been much canvassed, and, to my mind, the conclusion has been established, that the effort to regulate by general laws the value of capital, or the price of any other marketable commodity, not only defeats its object, but often becomes instrumental in promoting the evil proposed to be avoided. In every community supposed to be capable of self government, and among a people as competent of taking care of themselves as the people of these States are believed to be, every man should be left to make his own bargains for money, as in any other business transaction. It is a well established fact that many persons grow rich by the usurious wire of capital. Those engaged in that business are of sufficient sagacity to avoid generally the penalties of the law. By usury laws many conscientious men are prevented from using their surplus means in that way, so they are driven from the money market, and the field is left clear to those who consider they have a right to obtain whatever premiums others may choose to give for the use of money : thus a fair competition is prevented. Those engaged in the business, charge the honest borrower for the risk they take in loaning to those who may not be so. The propriety of any statute may be well questioned for which a man may be considered disgraced for pleading it in bar of payment of a debt, as is generally the case in debts of this character. The law is a relic of barbarism, and only a legal subterfuge for repudiation, and increases the rate of interest, instead of lessening it. I am fully aware of the difficulty of combatting well established prejudices, or of advancing opinions difficult, and requiring study and mental labor to come to correct conclusions : but I venture to submit the question to the intelligence and good sense of the Legislature, and to the country, as one really calculated to benefit the whole community, particularly the borrowers.

The Constitution of the State, adopted at an early day, and the subject of frequent changes and amendments, has been so experimented upon as to have become, in many particulars, complex, contradictory, and so difficult to be understood and agreed upon, as to be the constant theme of legislative controversy and judicial adjustment, in some particulars presenting difficulties insurmountable. In one instance already, the State has sustained a heavy pecuniary loss. Much advancement has been made in popular government since the original adoption of the Constitution, and some of the amendments made to answer particular purposes have not improved it. I

suggest to you, therefore, the propriety of submitting the question to the people for the call of a convention, or at least to amend the present Constitution, so as to reconcile the incongruities existing in regard to the election of Treasurer and Comptroller.

The supposed expense incident to the call of a convention deters some, doubtless, from supporting the measure. More time is now consumed in the discussion of constitutional questions than would cover the expense of a convention. The matter, to be properly understood, should be submitted to the people the day of the general election, which would insure a free and full consideration of the propriety of the proposition.

The propriety of a change of the time of convening the Legislature presents itself forcibly to my mind. The time now fixed is one inconvenient to the planter, as well as to those of the legal profession. Members, too, are called from home before the sickly season is fully over; and from the prevalence of the yellow fever at the seat of government for the last three summers, apprehension is excited in the minds of the members, as well as their families, though no member of the Legislature, or officer of the State, has yet been attacked with the disease. The ordinary dictates of prudence should require a change to a period a few weeks later, when there would be no just cause for apprehension. It is the opinion of some that in the event of a change to the first Monday in December, the term of the session would be shortened. It would also have the effect of settling that fruitful source of controversy and speculation, the location of the Capitol. Many who were opposed to the last removal, are now of the opinion that the Capitol and Capitol question have cost quite enough, and conceive it time the question was settled. No location can be expected to be satisfactory to all parts of the State; and so far as the general interest is effected, the sooner the question is considered closed the better. It may be well asserted that the propriety, as well as the morality, of every removal that has yet taken place, were more than doubtful.

Impelled by the spirit of speculation, and a desire for the attainment of sudden wealth, without the means and labor usual to accomplish that desire, many persons have been made the earnest advocates of an expanded system of Banks and paper money. Unless we are unmindful of all the dearly bought experience of the past, we should hesitate long before we should become parties to a general system now in the flood-tide of experiment in many of the States of this Union.

A people so fully agricultural as ours are, have but little use for a flush circulation of paper money. The events of the last year, felt more in other countries than our own State, admonish us of the danger of a multiplication of Banks and facility of borrowing their issues. The abundant supply of gold from California, Australia, and other auriferous regions, prevented that disastrous crash in monetary affairs which has been so often realized in the history of the past, bringing distress and ruin on many who had no part in the recklessness which brought such disasters. Although the great increase of gold from the recently discovered sources may have prevented a general commercial crisis the few years past, the gold of the world does not afford a basis of safety for the greed of speculation and avarice which grows by what it feeds on, and has no limits; and from which the only protection the country has, is the sober judgment of prudent men, founded upon the experience of years, of observation and study.

It might reasonably have been expected that the immense addition of coin to the circulating medium of the world, would have dismissed the necessity, in a great degree, of a paper currency; but the very reverse seems to be the fact; for the millions of coin now in the world has only stimulated an increased manufacture of banks. That a continuation of the policy will result in bankruptcy and ruin, if all history is not a delusion, is certain. Alabama has, in a great degree, of late years, escaped from injury incident to excessive banking. It is the part of wisdom to provide that our people shall still do so. There may be those among us mindful of their own peculiar aims and interests, who see none of those dangers, as there is an evident disposition to make Banks, as if the mere creation of a paper mint added anything to the real wealth of the country.

Banks are not created for the people, but to enable those who establish them to borrow their own bills, and pass them upon the public as money. The system of paper money being fixed upon the country, has to be tolerated as a necessary evil—at least until other States see the propriety of restricting them to mere commercial operations. It is the duty of wise legislators to restrain its capacity of mischief. We have now five banks in operation in this State, emitting a large circulation of their bills; besides, agencies of Banks, and a large number of Insurance Companies, engaged in loaning money to those who can make good notes and bills. The tax rolls show immense sums loaned at interest, demonstrating the fact



that we have an abundance of capital in the country, fully equal to all the legitimate demands of a well regulated business; and that an increase would only stimulate speculation and dangerous adventure, and consequent reaction and disaster. Under such a state of facts, I submit it to the legislative wisdom if it be not well to pause in the establishments of Banks. The report of the Commissioners appointed to examine into the affairs and condition of the Bank of Mobile and the Southern Bank, show a very favorable state of facts in regard to the management and solvency of those institutions, and fully justifies the public confidence they now enjoy.

The continued and violent agitation of the question of slavery by the people of the non-slaveholding States, exhibits a settled purpose on their part, led on by the bigoted fanatic and scheming politician, to permit the South the enjoyment of no peace in the Union, until, aroused by the spirit of freedom, we will have them to know we have borne with their aggressions until longer submission to wrong and insult is no longer endurable. The assailants of the South have continued their war upon us, until the assumed right of interference in our affairs has become with them a religious sentiment. At no period of our history has this question presented a more gloomy aspect. At no time has there been less prospect of a cessation of the hostile policy adopted towards us. Their power in the States and in Congress is greater and more formidable than ever before; and they seem now actuated by a spirit of mischief. The highest tribunal of a State has shown in its decisions a ready subserviency to popular fanaticism; and a State Legislature has violated the spirit of the constitutional compact of the Union, in order to prevent the execution of a law made to enforce the requirements of the Constitution. What was once considered the mad efforts of crazy enthusiasts, has now the control of the popular mind at the North, and has become a mighty power, only to be effectually resisted by a united people in the defence of the Constitution, and efforts to preserve a continuation of the Federal Union. It is the blindness of political madness to shut our eyes longer to the serious nature of our position on this subject. The time has come when, as a people united in an emergency, rising above all party considerations, we should be prepared to assert and to maintain our constitutional and natural rights, no matter from what source the assaults may come, or the consequences which may follow. The nature of man, in its best form, is aggressive—more so in communities and nations. All history teaches

us that no people ever maintained their natural or political rights by a course of temporising submission to wrong. Acquiescence in one case but invites another.

The compromises of the Constitution were the first, and should have been the last, the people of the South submitted to. Had the aggressive course of the North been met with firmness at the commencement of this war on our rights, we should long ago have had peace and quiet, which we have been unable to attain by compromises, often at war with the terms of our political compact, and replete with injustice to us. When the calculating selfishness of those agitating, and permitting this agitation, shall find the South agreed and united as to the settlement of this matter, we shall have peace, and not until then. When they are brought to see what they are about to lose—the trade of the South—by which they are the chief beneficiaries of the labor of slaves, the shop keepers and manufacturers will see the wickedness of their conduct. They now very properly conclude, from the course of some Southern men, that we feel as if we would cease to exist without a political connection with, and dependence on, the non-slaveholding States. They have reason to believe that we are prepared for a continuation of the political compact—known as the Union—by a base and shameful acquiescence in whatever wrong they may choose to inflict.

The union of these States is only to be preserved by a faithful observance of the terms of the compact, as agreed upon in the Constitution; and the sooner the aggressor is made to understand such to be our conclusion, the more likely is the Union to last. So long as the Union is calculated to effect the great objects it was established to accomplish, it should be sustained. But when the government, under the control of a reckless majority, ceases to protect, and becomes an instrument of oppression, it will have failed in the purpose of its creation, and will no longer be a proper object of respect or veneration.

As a party to the great political events which seem fast coming to a crisis, we have no power of avoiding the issues presented. We have no escape, unless, by a firm and united course, we show ourselves ready to maintain our rights under any circumstances. We have nothing to hope from the sense of justice in the minds of a great majority of those in power in the free States. The realization of the fact that we had come to the period in the history of our wrongs, when we will dare to assert our political equality in the government at any hazard, might cause them to pause. They might be aware of

the delusion under which they lie in supposing the people of the slaveholding States so dependent upon a political connection with them for prosperity or happiness. The slaveholding States, and those inevitably bound to us by locality and interest, cover an extent of country whose geniality of climate, and productiveness of soil, combine to make us a people more independent of others than any other part of the world. Producing all the necessities, many of the luxuries of life, and the great staples that command the commerce of the world, we are as independent, when we shall be driven to independence, of the product or manufactories of those who feel such degradation in the alliance, as if an impassable ocean rolled between us.

With a people brave, intelligent, energetic, and, when aroused, as patriotic as any that have ever lived, I see none of those causes of apprehension and alarm at the contemplation of wrongs, long continued, which will inevitably drive us to dissolve the political ties which have heretofore existed between us and our assailants.

Freed from the commercial restrictions by which we have been fettered for the benefit and protection of the capitalists of our assailants, by the operations of federal legislation, both the products and mechanical labor of the South would receive an impulse never yet enjoyed. The Northern States, so much aggrieved by any connection with slavery, would soon, in bankruptcy and ruin, realize the only injury that their madness will have provoked, and in sackcloth and poverty repent too late of the folly and madness which provoked such results. This question is not one of mere policy which you are called upon to meet; it is a question of existence itself. Necessity knows no law but the law of self-preservation, the first law of nature. As such, it commands your most intense attention, which I earnestly recommend it may receive in your deliberations. For myself, I have long been convinced that the day for compromises and appeals to Northern forbearance had passed, and that our safety depended on a stern and more manly course—resolving, as heretofore, to ask for nothing but what is right, and determine to submit to no further wrong.

It shall be my earnest effort to co-operate with your honorable bodies in whatever legislation you may consider best calculated to advance the prosperity of the State—reserving to myself, at all times, that freedom of thought and action which belong to an independent co-ordinate branch of the Government. To such enactments as may have my consid-

entious concurrence, I shall give my prompt approval. To such as I may differ with the sense of the Legislative department upon, I shall not, under a solemn sense of the obligations due to the Constitution and to my constituents, hesitate to assume whatever responsibility I may incur in withholding my approval. Indulging the hope that no such difference of opinion may arise, I cherish the earnest expectation and desire that you may, in harmony and good feeling, enter on the high duties of legislating for a generous people—that your labors may conduce to the public welfare, and secure to yourselves the continued confidence of those who have so honored you—that you may attain an early consummation of your legislative labors—in health return to approving friends, and to the happiness of domestic life.

JOHN A. WINSTON.

The Message was partly read, when Mr. Smith, of Lauderdale, made the following motion.

That the reading be dispensed with and the usual number of copies, 5000, be printed for the use of the House.

Mr. Brown, of Marion, moved to amend said motion, and print 10,000 copies, which motion was lost.

The question recurring upon to print 5000 copies, which motion prevailed.

On motion,

The House adjourned until to-morrow morning, 10 o'clock.

November, 14, 1855.

House met pursuant to adjournment.

Messrs. Jones and Allston, appeared within the Hall of the House, were qualified and took their seats.

Mr. Speaker, laid before the House, the Treasurers Report, which was ordered to lie on the table, and print 5000 copies.

Mr. Moragne, a bill to be entitled "an act," to change the time of the meeting of the General Assembly.

Mr. Ellis, of Blount, a bill to repeal in part a certain act, therein named.

Mr. Wright, a bill to regulate the practice in the Circuit Court, in the county of Butler.

Mr. Sanford, to repeal an act therein named.

Mr. Thornton, a bill to be entitled "an act," to amend the several acts, incorporating the town of Tusculumbia, approved February 3, 1854.

Also, a bill to be entitled "an act," to provide for certain election precincts in the county of Franklin, and to authorize

the Courts of county Commissioners, to establish new precincts in several counties in this State.

Mr. Camp, an act for the relief of the Tax Assessor and Tax Collector and Probate Judge of Jefferson county, with a petition.

Mr. Echols, a bill to declare Mary J. Ously, a free dealer.

Mr. Chapman, a bill to be entitled "an act," to change the time of holding the Circuit Courts, of the counties of Madison and Jackson.

Mr. Brown, of Marion, a bill to be entitled "an act," to repeal Section 3133 of the Code of Alabama.

Mr. Withers, bills of the following titles:

An act respecting the Mobile Bay Road Company.

An act to amend an act, entitled "an act," to incorporate the Mechanics Saving Company of Mobile.

An act to revise an act therein named, and for other purposes.

Mr. Rice, a bill to be entitled "an act," to make Sarah Ann Clark, of the county of Morgan, a free dealer. with a petition thereto.

Also, a bill to be entitled "an act," to extend the time of holding the Circuit Courts in the county of Morgan, and to change the time of holding the same in the county of Hancock.

Mr. Reid, bills of the following titles.

A bill to change the time of holding Circuit Courts of the counties of Bibb and Autauga.

A bill to allow the Clerk of the Circuit Court of Perry county, longer time within which to issue executions.

A bill to compensate defendants witnesses in prosecution against slaves.

Mr. Williams, an act to repeal an act therein named.

Mr. Powell, a bill to be entitled an act, to alter and amend the law in relation to the settlements of estates of deceased persons, which were severally read and ordered to a second reading.

Mr. Graham, presented the petition of Wm. Decroy, of the county of Coosa, for remuneration, which was referred to the committee on propositions and grievances, when raised.

Mr. Haden, the accounts of William L. Hornbuckle.

Mr. Rice, the accounts of James Critcher, was referred to the committee, when raised.

Mr. McMullin, moved to reconsider the votes of yesterday, ordering 5000 copies of the Governor's Message to be printed, said motion was lost.

Mr. Jackson, from select committee, made the following report :

The committee of the House, appointed to confer with a like committee on the part of the Senate, for the adoption of Rules for the government of the two Houses when in joint convention, has discharged its duty and instructs me to report the following as having been agreed to by the joint committees, which was concurred in :

1. When a message shall be sent from the Senate to the House of Representatives, it shall forthwith be examined by the Door Keeper at the door of the House, and shall be respectfully communicated to the Chair, as the bearer thereof, except the House is taking a question, and the same ceremony shall be observed when a Message shall be sent from the House of Representatives to the Senate.

2. While bills are on their passage between the two Houses, they shall be under the signature of the Secretary or Clerk of each House respectively.

3. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives or Secretary of the Senate, as the bill may have originated in one or the other House, before it shall be presented for signature.

4. When a bill or resolution, shall have passed in one House and is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

5. When the Senate assemble in the Hall of the House of Representatives, the President of the Senate shall take his seat on the left of the Speaker of the House, and the Senators shall take their seats in chairs to be provided for that purpose, immediately in front of the inner row of desks of the hall of the House.

6. No Senator shall during a joint vote of the two Houses, intermix with the Representatives, nor shall the Representatives intermix with the Senators.

7. Each Senator and Representative, shall answer from his seat when his name is called in order by the Secretary of the Senate or Clerk of the House, and any Senator or Representative who shall fail or refuse to vote when his name is called, shall be considered as having waived his right to vote and shall not afterwards be allowed to do so.

8. No Senator or Representative, shall approach the Clerks table during the time the Senate is in the House

9. The President of the Senate shall preserve order among

the Senators, in the same manner as if the Senate were in the Senate Chamber and the Speaker of the House, shall keep and preserve order among the Representatives as he would were the Senate not present.

10. In every case of amendments of a bill agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee to confer, such committee shall at a convenient hour to be agreed on by their Chairman, meet in the conference Chamber and state to each other verbally or in writing, as either shall choose, the reason of the respective Houses for and against the amendment, and confer fully thereon.

11. When the two Houses are in Session, for the purpose of an election or otherwise, the President of the Senate as to questions of adjournment, shall be regarded as the presiding officer, and a motion for adjournment may be put by either a Senator or Representative, and a majority of the Senate and House shall determine it without debate.

Mr. Hobbs, offered the following resolution,

*Resolved*, That a committee of three be appointed to wait on the various ministers of the Gospel of this city, and request them to open the exercises of this House each day in rotation, by prayer.

Mr. Smith, of Lauderdale, moved to lay the motion on the table, and the yeas and nays were demanded.

Those who voted in the affirmative, were Messrs. Battle, Critcher, Fowler, Garlick, Goode, Maples, McMullen, Smith, of Lauderdale and Towles.—9.

Those who voted in the negative, were Messrs. Speaker, Acree, Allord, Allston, Barry, Beavers, Bernhard, Beck, Bishop, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton, of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Ellis, of Blount, English, Galloway, Gilmore, Graham, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, McClanahan, McConnell, Milligan, Mirce, Moragne, Moorner, Nabors, Nicholson, Odom, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Franklin, Smith, of Mobile, Smith of Randolph, Staton, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, White, Williams, Winston, Withers, Wright and Woolsey.—83.

The motion to lay on the table was lost ; the resolution was then adopted.

Orders of the day :

An act to enlarge the Winter Term of the Chancery Court, of the twenty-ninth District, of the Northern Chancery Division, was read the second time, and constitutional rule being suspended, was read the third time and past.

The following bills were severally read the second time and referred to the Judiciary Committee when raised.

An act to authorize the Probate Court of Jefferson county, to decree a sale of certain lands therein named.

An act as to the forms of Clerks of common law Courts.

An act to repeal Section 930 of the Code.

An act to compensate Tales Jurors in certain cases.

Mr. Jackson, offered the following amendment,

Strike out all after the word *provided*, and insert that said persons shall receive no pay for mileage or ferriages, unless they have actually traveled from their residence or usual places of business, to the seat of Justice, in obedience to a summons from the Circuit Court, which amendment was adopted.

A bill to be entitled "an act," to repeal Sec. 2257 of the Code.

The joint Resolutions proposing an amendment to the constitution of the State of Alabama.

An act to incorporate the Huntsville Hotel Company, read second time and referred to the committee on corporations when raised.

Message from the Senate :

Mr. Speaker : The Senate has adopted the following Resolutions :

*Resolved*, That the Senate appoint a committee to act in conjunction with a like committee on the part of the House of Representatives, to investigate and report to their respective Houses, any facts they may ascertain in relation to the existence of yellow fever in this city, and that said committee be instructed to report to the Senate at 5 o'clock this evening the result of their investigations, and that said Committee of the Senate, in the event that the House fails to act in the premises, proceed to investigate the matter and report the result of their investigations to this body at the time above specified.

*Resolved further*, That said committee be composed of the Physicians of the Senate, and they be requested to call to their aid the Physicians of Montgomery, to assist in their labors, in the concern of which the House is requested.



Mr. Speaker : The Senate has appointed Messrs. Kimbal, Wilson and Bacon, as a committee on the part of the Senate, to act with a like committee on the part of the House contemplated by the Resolution adopted this morning in reference to the existence of yellow fever in this city.

The question being upon concurring with message of the Senate,

Mr. Withers, moved for it to be laid on the table, he withdrew the motion for the purpose of allowing Mr. Clanton, of Montgomery, to make an explanation, at the conclusion of which, Mr. Smith, of Lauderdale, obtained the floor.

Mr. Withers, insisted upon his motion, which the Speaker, Mr. Cochran, in the Chair, sustained, whereupon Mr. Smith, made a point of order and appealed from the discussion of the Chair, in deciding that Mr. Withers had a right to renew his motion.

He, Mr. Smith, still having possession of the floor, the decision of the Chair was sustained by the House.

Mr. Staton, moved the previous question which was sustained, the Resolution was then adopted.

Messrs. Shackelford, Taylor, of Chambers, and English, were appointed said committee on the part of the House.

The House adjourned until to-morrow morning 10 o'clock.

Thursday, November 15, 1855.

House met pursuant to adjournment.

Mr. Speaker, laid before the House sundry records of divorce, which was referred to the committee on divorce and alimony.

Mr. Speaker. announced the following standing committees :

*On Judiciary*—Messrs. Cochran, Belser, Graham. Pryor, Beck, Davis, Thornton, Nabors and Carpenter.

*On Ways and Means*—Messrs. Jackson, Winston, Smith, of Mobile, Dawson, Towles, Portis, Sykes, Milligan and Little.

*On State Bank and Branches*—Messrs. Winston, Withers, Larkins, Mirce, Pennington, Bernhard. Shackelford, Acree and Smith of Franklin.

*On Internal Improvements*—Messrs. Curry, Woolsey, Chapman, Withers, Pryor, Williams, Belser, McMullin and Staton.

*On Banks and Banking*—Messrs. Rice, Smith, of Lauderdale, Battle, Browder, English, Jones, Powell, Lockett and Moorcr.

*On Education*—Messrs. Hobbs, Curry, Miree, Taylor, of Chambers, Howard, Williams, Crawford and Jay.

*On Federal Relations*—Messrs. Chapman, Beck, Belser, Jackson, Howard, Cochran, Curry, Alston and Thornton.

*On Corporations*—Messrs. Beck, Smith, of Lauderdale, Barry, Ellis, of Benton, Gilmore, Pynes, Reid, Garlick and Echols.

*On Propositions and Grievances*—Messrs. Graham, Brown, of Tuskaloosa, Lynch, McBride, Gallaway, Grubbs, McClanahan, Alford and Reid.

*On the University*—Messrs. Brown, of Tuskaloosa, Goode, King, Echols, Smith, of Randolph, Clanton, of Montgomery, Gilmore, Ellis, of Benton.

*On the Sixteenth Section Fund*—Messrs. Davis, Fowler, Maples, Cunningham, McBride, English, McClanahan, Camp and Remson.

*On Divorce and Alimony*—Messrs. Nabors, Pennington, Moorer, Peddy, Acree, Owens, Bernhard, Bradly and Odom.

*On Accounts*—Messrs. Taylor, of Chambers, Moragne, Byrne, Jones, Shackleford, Taylor, of Coosa, Hancock, Thorn and Wright.

*On Privileges and Elections*—Messrs. Gallaway, Ellis, of Blount, Brown, of Marion, Burges, White, Thorn, Staton, Nicholson and Sheffield.

*On Military*—Messrs. Menasco, Ward, of Cherokee, Owens, Jay, McMullin, Critcher, McConnell, Ward, of Dale, and Bishop.

*On State Printing*—Messrs. Peddy, Sykes, Rhodes, Bradley, Barry, Alford, Powell, Lynch and Menasco.

*On Agriculture*—Messrs. Towles, Alston, Browder, Cunningham, McConnell, King, Clanton, of Sumter, Odom and Beavers.

*On County Boundaries*—Messrs. Bishop, Garlick, Larkins, Kirkland, Ellis, of Blount, Critcher, Little, Staton and Grubbs.

*On Roads, Bridges and Ferries*—Messrs. Hancock, Sanford, White, Brown, of Marion, Sheffield, Haden, Ward, of Dale, Ward, of Cherokee, and Wright.

*On Enrolled Bills*—Messrs. Portis, Milligan, Powell, Sanford, Wood, Lockett, Carpenter, Smith, of Franklin, and Moragne.

*On the State Capital*—Messrs. Clanton, of Montgomery, Goode, Battle, Crawford, Byrne, Maples, Pynes, Dawson and Rhodes.

*On the Penitentiary*—Messrs. Taylor, of Coosa, Smith, of Mobile, Remson, Woolsey, Rice, Wood, Clanton, of Sumter, Kirkland and Nicholson.

*On Retrenchment*—Messrs. Smith, of Randolph, Burgess, Camp, Hobbs, Smith, of Franklin, Peddy, Menasco, Beavers and Kirkland.

Mr. Staton, presented sundry petitions, which were referred to the committee on Roads, Bridges and Ferries.

Mr. Wright, introduced a bill to change the mode of assessing the tax of Butler county.

Also, a bill to change the pay of jurors of Butler county.

Mr. Milligan, an act to repeal an act therein named and for other purposes.

Mr. Carpenter, an act to extend the time of holding the Circuit Courts of the county of Greene.

Mr. Camp, an act to make matters of assumpsit stand in the same altitude in law or in equity, as other matter of debt and contract.

Mr. Moorer, an act to repeal an act, requiring Justices of the Peace of Lowndes county, in their respective beats, to act as apportioners and supervisors of roads and for other purposes.

Mr. Sheffield, an act to provide for the relief of census takers.

Mr. Rice, a bill to be entitled an act, to amend Sections 3302 and 3303 of the Code of Alabama.

Mr. Miree, an act for the relief of John Milford, census taker of Perry county and other purposes.

Mr. Nabors, a bill to be entitled "an act," to consolidate the offices of tax collector and assessor in Pickens county.

Mr. Smith, of Randolph, a bill to divorce Gabriel Lovvom from his wife Mary Lovvom.

Mr. McClanahan, a bill to be entitled "an act," for the relief of Alexander Posey, of Shelby county.

Mr. Shackelford, a bill to make Francis Smith, of Tallapoosa county, a free dealer.

Mr. Powell, an act to incorporate the Western Bank of Alabama.

Also, a bill to be entitled "an act," to make Elizabeth Caroline Bell, wife of James D. Bell, of the county of Tuscaloosa, a free dealer.

Mr. Manasco, a bill to be entitled "an act," to repeal a certain act therein named.

Mr. Beck, an act concerning bail in criminal cases.

Which bills were severally read and ordered to a second reading.

Mr. Winston, presented a petition of R. W. Higgins and others, which was referred to the committee on Propositions and Grievances.

Mr. Allston, the account of James Kent and others, which was referred to the committee on accounts.

Mr. Manasco, presented the account of A. Little, which was referred to the committee on accounts.

Mr. Portis, presented the petition of sundry citizens of Monroe, praying the prohibiting of selling of liquors within three miles of Monroeville, unless in cases of sickness.

Also, a petition of sundry citizens of the county of Monroe, to prevent the selling of liquor within three miles of Philadelphia church, in said county, which was referred to the committee on propositions and grievances.

Mr. Shackelford, from select committee, to inquire into the prevalence of yellow fever in the city of Montgomery, made the following report :

The committee to whom was referred the resolution of enquiring into the probable existence of yellow fever in this city, have met a like committee on the part of the Senate,

Beg leave to report that aided by the kindness and courtesy of the authorities of the city, the president of the relief club and the resident Physicians, the only correct source of information, take great pleasure in giving the Legislature the assurance that no case of yellow fever now exist, or has originated in this city or its vicinity within the last twenty days, or likely to under existing circumstances.

We have the greatest confidence in believing that should such a catastrophe befall the city, that the good citizens, the Physicians and Corporate authorities would be the foremost in sounding the alarm to your honorable body.

Your committee further believe that with all the nerve which characterises the Montgomerians, they nevertheless would be as much averse to confronting the yellow fever as any member of your honorable body.

Your committee therefore reasonably infer, that the energy, zeal and industry with which all classes of citizens pursue their various avocations, is a strong if not a conclusive proof, that the citizens entertain a like opinion with your committee that no case of yellow fever does now exist or likely soon to occur.

All of which is respectfully submitted,

J. T. SHACKLEFORD,

Chairman of said Committee.

Mr. Jackson, moved that the report be laid upon the table and the committee be discharged.

Orders of the day :

A bill to be entitled "an act," to change the time of the meeting of the General Assembly.

Mr. Smith, of Franklin, moved to stike out the words second Monday in December and insert first Monday in December.

Mr. Graham, moved to amend the amendment, by substituting second Monday in January, which motion was lost.

The question then recurred upon the motion of Mr. Smith, of Franklin, which prevailed.

The bill as amended, was read the second time and ordered to be engrossed for a third reading.

A bill to repeal in part a certain act therein named.

An act for the relief of the Tax Assessor and collector and Probate Judge of Jefferson county.

A bill to be entitled "an act," to make Sarah Ann Clark, of Morgan, a free dealer.

Mr. Jackson moved to refer the bill to the committee on the Judiciary, which motion was lost.

A bill to be entitled "an act," to extend the time of holding the Circuit Courts in the county of Morgan, and to change the time of holding the same in the county of Hancock.

A bill to allow the Clerk of the Circuit Court, of Perry county, longer time within which to issue executions.

An act to repeal an act therein named.

Were severally read the second time and ordered to be engrossed for a third reading.

A bill to regulate the practice in the Circuit Courts, in the county of Butler.

A bill to declare Mary J. Ousley, a free dealer.

An act to change the times of holding the Circuit Courts of Madison and Jackson counties.

A bill to be entitled "an act," to repeal Section 3133 of the Code of Alabama.

A bill to compensate defendants witnesses in prosecutions against slaves.

A bill to be entitled "an act," to alter and amend the law in relation to the settlements of estates of deceased persons.

Were severally read the second time and referred to the committee on the Judiciary.

A bill to be entitled "an act," to provide for certain elec-

tious in the county of Franklin, and to authorize the Courts of county Commissioners to establish new precincts in several counties of this State, was read second time and referred to the committee on privileges and elections.

An act to revise an act therein named and for other purposes.

An act to amend an act, to incorporate the Mechanics Saving Company of Mobile.

A bill to be entitled "an act" to amend an act, to amend the several acts incorporating the town of Tuscumbia, in Franklin county, approved, February 3, 1854, were severally read the second time and referred to the committee on corporations.

An act respecting the Mobile Bay Road Company, read second time and referred to the delegation from Mobile.

A bill to change the times of holding the Circuits Courts of the counties of Bibb and Autauga, was read second time and referred to the committee composed of the first Judicial circuit.

A bill to repeal an act therein named, was read second time and referred to a select committee composed of the members from Cherokee.

Mr. Jackson, introduced the following resolution,

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in joint convention in the hall of the House of Representatives, on Saturday next at 11 o'clock, A. M., for the purpose of counting the votes and declaring the election of Governor, holden on the first Monday in August last, which was adopted, also resolution—

*Resolved*, That the committee on Judiciary be instructed to inquire into the expediency of compelling by law owners of slaves to keep a white person upon their plantations or upon their negro quarters, with leave to report by bill or otherwise.

Mr. Hobbs, from special committee made the following report.

The committee to wait on the various ministers of the gospel of this city and request them in rotation to open the exercises of this House with prayer, beg leave to report that they have obtained the consent of the most of the pastors of this city to act as desired, and that one of them will be in attendance on to-morrow, all of which is respectfully submitted; the report was ordered to lie on the table and the committee discharged.

Mr. Nabors, introduced the following resolution which was adopted :

That the committee on Judiciary be instructed to inquire into the expediency of enacting a law consistent with our constitutional obligations, retaliating in some way on the State of Massachusetts, for having nulified in effect the fugitive slave law, and report by bill or otherwise.

House adjourned until to-morrow morning 10 o'clock

FRIDAY, November 16, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Blue.

Mr. Speaker, laid before the House the biennial report of the Comptroller with accompanying documents, which was referred to the committee on public printing, with instructions to print 133 copies of as much of the report as they may deem necessary.

Mr. Speaker, presented records of divorce, which was referred to the committee on divorce and alimony.

Also, the report of the Mobile School Commissioner, which was referred to the committee on education.

Mr. Bernhard, introduced a bill to be entitled "an act," constituting George W. Rogers a liner.

Mr. McMullen, a bill to be entitled "an act," supplemental to an act relating to the burnt records of Butler county, approved January 19, 1854.

Mr. Sanford, a bill to be entitled "an act," to amend Section 1952 of the Code of Alabama.

Mr. Milligan, a bill to be entitled "an act," to make Martha P. Troutman, of Coffee county, a free dealer.

Mr. Woolsey, a bill to be entitled "an act," to incorporate the Commercial Bank of Alabama.

Mr. Thornton, a bill to be entitled "an act," to define the right of bail in cases punished capitally.

Mr. Camp, a bill to be entitled "an act," to make the State of Alabama liable for all cost, when she fails in her prosecutions, civil or criminal.

Mr. Galloway, a bill to be entitled "an act," to make Francis C. Benjamin, of Lawrence county, a free dealer.

Mr. Pryor, a bill to be entitled "an act," to amend in part the act incorporating the Tennessee and Alabama Central Railroad Company, approved, December 19, 1853.

Mr. Cunningham, a bill to be entitled "an act," to amend Section 2165 of the Code.

Mr. Brown, of Marion, a bill to be entitled "an act," to repeal the Military laws of Alabama.

Mr. Critcher, a bill to be entitled "an act," to change and regulate the time of holding the Circuit Courts of Marshall and Jackson counties.

Also, a bill to declare Lewis D. Tuasch and Wm. L. Walker, citizens of Marshall county and for other purposes.

Also, a bill to regulate the summoning of jurors in Marshall county.

Mr. Smith, of Mobile, a bill to be entitled "an act," to change the time of holding the general elections of the State of Alabama.

Mr. Belser, a bill to be entitled "an act," for the relief of Wm. D. Sankey.

Mr. Nabors, a bill to be entitled "an act," to repeal in part an act entitled an act to incorporate the Pickens and DeKalb minute men.

Mr. Bishop, a bill to be entitled "an act," in reference to executions issued upon judgments rendered by Justices of the Peace.

Mr. Peddy, a bill to be entitled "an act," for the relief of Elisha J. Gunn, of Tallapoosa county.

Mr. Brown, of Tuscaloosa, a bill to be entitled "an act," for the relief of George Hewet, deceased.

Mr. Lynch, a bill to be entitled "an act," to repeal an act to aid the Southern Military Academy of Alabama.

Mr. Curry, a bill to be entitled "an act," to authorize the Administrator of Jesse Taylor, deceased, of Talladega county, to sell the real estate on longer credit than twelve months.

Which bills were severally read and ordered to a second reading.

Mr. McMullen, presented the accounts of Nathan Bronsford.

Mr. Beavers, presented the account of C. C. Capsnam, which were severally referred to the committee on accounts.

Mr. Graham, presented the petition of Wm. Jackson and others of Coosa county, for the relief of John H. Hunt, which were referred to the committee on propositions and grievances.

Mr. Staton, offered the following resolution,

*Resolved*, That with the concurrence of the Senate, the two Houses meet in the hall of the House of Representatives, on Monday next at 12 o'clock, for the purpose of electing a Senator to the Congress of the United States, to supply the va-



cancy occasioned by the expiration of the term of service of the Hon. Benjamin Fitzpatrick. Adopted.

Mr. Maples, offered the following resolution,

*Resolved*, That the committee on ways and means, to inquire into the expediency of reducing the State tax and report to this House by bill at as early a day as practicable. Adopted.

Mr. Speaker, laid before the House the report of the Inspector of the Penitentiary; which was ordered to lie on the table and print 500 copies.

Also, Physicians report, which was ordered to lie on the table and print 133 copies.

Also, the report of the Superintendent of the common school, was laid on the table and 5000 copies ordered to be printed.

Message from his Excellency, the Governor :

Hon. R. W. Walker, Speaker of the House of Representatives :

Sir : I have rec'd the resignation of Hon. A. J. Walker, Chancellor of the Northern Chancery Division, to take effect on the 5th inst.

JOHN A. WINSTON.

Mr. Browder, offered the following resolution,

1st. *Resolved*, That the act past at the last Session of Congress, providing temporal governments for Kansas and Nebraska, excepting the principal of Squatter Sovereignty and allowing unnaturalized foreigners to vote, embrace the true principle in relation to the power of the Federal Government on the subject of slavery in the Territories.

2. *Resolved*, That the principles asserted in said act, on the question of slavery, is a subject of vital importance, upon which all Southern men should be united.

3. *Resolved*, That the attempt on the part of some of the States of the North to interfere with slavery at the South is a flagrant violation of the Constitution of the United States, and fraught with incalculable mischief to the people of this State.

4. *Resolved*, That the preservation of the right of this State in the peaceful enjoyment of the domestic institutions of slavery is a paramount duty.

5. *Resolved*, That much praise is due to the patriotic men of the North who have boldly maintained the compromises of the Constitution in the midst of the infuriated fanaticisms of their section of the Union.

6. *Resolved*, That the State is determined to resist any further encroachments upon her constitutional rights.

7. *Resolved*, That in the event the Federal Government repeals or impairs the efficiency of provisions of the Fugitive Slave Law, or refuses to enforce its execution in good faith, or Congress refuses to admit into the Union any Territory hereafter applying for admission as a slave State, such action will amount to a virtual dissolution of the Union.

8. *Resolved*, That if either of the contingencies contemplated in the foregoing resolution should arise during the recess of the General Assembly, the Governor be requested to convene that body to the end that the rights of the State may be maintained.

9. *Resolved*, That a copy of these resolutions be transmitted by the Executive to each of the Senators and Representatives in Congress from this State, to be laid before their respective Houses, and also a copy to the respective Governors of this Union.

Mr. Withers, from Select committee of the *Mobile* delegation, made the following report :

The Select committee, to whom was referred a bill repealing the *Mobile Bay Road Company*, have had the same under consideration, and recommend its passage.

The bill was read the third time and passed.

A bill to be entitled an act to repeal a certain act therein named.

A bill to be entitled an act for the relief of John Melford, census taker of Perry county, and other persons.

A bill to be entitled an act to provide for the relief of census takers.

A bill to be entitled an act requiring Justices of the Peace in Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes.

A bill to be entitled an act to extend the time of holding the Circuit Court in the county of Greene.

A bill to be entitled an act to repeal an act therein named, and for other purposes

A bill to be entitled an act to change the pay of jurors in Butler county.

A bill to be entitled an act to repeal an act therein named.

Were severally read and ordered to be engrossed.

A bill to be entitled an act to repeal an act entitled an act to aid the Southern Military Academy of Chambers ;

Also, a bill to be entitled an act to authorize the Attorney

General of the State to file a writ of *quo warranto* against a certain corporation therein named.

Constitutional rule was suspended, the bills read the second time.

A bill to be entitled an act concerning bail in criminal cases.

A bill to be entitled an act to consolidate the offices of tax assessor and tax collector in Pickens county.

A bill to be entitled an act to amend Sections 3302 and 3303 of the Code of Alabama.

A bill to be entitled an act to make matters of assumpsit stand in the same altitude in law and equity as other matters of debt and contract.

A bill to be entitled an act to change the mode of assessing the tax of Butler county.

Were severally read the second time and referred to the committee on Judiciary.

A bill to be entitled an act to incorporate the Western Bank of Alabama, was read the second time and referred to committee on Banks and Banking.

A bill to be entitled an act to make Francis Smith, of Tallapoosa, a free dealer.

A bill to be entitled an act to make Elizabeth Caroline Bell, wife of James D. Bell, of the county of Tuscaloosa, a free dealer.

Were read the second time and referred to the committee on Propositions and Grievances.

A bill to be entitled an act for the relief of Alexander Posey, of Shelby county, read second time and referred to committee on Ways and Means.

A bill to be entitled an act to divorce Gabriel Lovvorn from his wife, Mary Lovvorn, was read second time and referred to the committee on Divorce and Alimony.

Engrossed bills of the following titles were read the third time and passed :

A bill to be entitled an act to extend the time of holding the Circuit Court in the county of Morgan, and to change the time of holding the same in the county of Hancock.

A bill to be entitled an act to make Sarah Ann Clark, of Morgan, a free dealer.

A bill to be entitled an act to repeal a special act entitled an act passed for the payment of jurors, approved February, 1845, so far as relates to Blount.

A bill to be entitled an act to repeal an act entitled an act to authorize the apportionment of different districts of Pickens

county to appoint overseers, and for other purposes therein named.

A bill to be entitled an act for the relief of the Tax Assessor, Tax Collector and Probate Judge of Jefferson county.

A bill to be entitled an act to change the time of the meeting of the General Assembly.

A bill to be entitled an act to allow the Clerk of the Circuit Court longer time within which to issue executions in Perry county.

The House then adjourned until to-morrow, 10 o'clock.

SATURDAY, Nov. 17, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Message from the Senate, by Mr. Taul :

The Senate concurs in the resolution of the House, proposing to assemble in the Hall of the House this day, at 11 o'clock, A. M., for the purpose of counting the votes, declaring the result of the election for Governor, held on the first Monday in August last.

The Senate also concurs in the resolution of the House, proposing that the two Houses assemble in the Hall of the House on Monday next, at 12 o'clock, M., for the purpose of electing a Senator to the Congress of the United States, to supply the vacancy occasioned by the expiration of the term of service of the Hon. Benj. Fitzpatrick.

The Senate has passed a bill from the House to enlarge the Winter term of the Chancery Court of the 29th District of the Northern Division of the State of Alabama.

Mr. Gay introduced a bill to be entitled an act to change the rate of interest in this State, which was read and ordered to a second reading.

Mr. Woolsey introduced a bill to be entitled an act the more effectually to insure subordination among slaves, by requiring the owner or owners to reside with them, which was read and referred to the committee on Judiciary.

Mr. Woolsey introduced a bill to be entitled an act to change section 935 of the Code. Read and ordered to a second reading.

Mr. Thornton introduced a bill to be entitled an act to prevent the taxation of stock invested in Railroads under certain conditions. Read and ordered to a second reading.

Mr. Fowler Introduced the following bills, which were severally read and ordered to a second reading :

A bill to be entitled an act to prevent persons from serving on juries in certain cases.

A bill to be entitled an act to regulate the fees of the Judge of Probate of the county of Greene.

A bill to be entitled an act for the preservation of game in the county of Greene.

Mr. Galloway introduced a bill to be entitled an act for the relief of William Eubanks, late tax collector of Lawrence county, which was read and ordered to a second reading.

Mr. Echols introduced a bill to be entitled an act to amend the charter of the town of Tuskegee. Read once, and constitutional rule being suspended, was read second and third times and passed.

Mr. Sheffield introduced a bill to be entitled an act to amend a certain act therein named. Read and ordered to a second reading.

Mr. Sheffield presented a petition, which was referred to the committee on Roads, Bridges and Ferries.

Mr. Belser introduced the following bills, which were severally read and ordered to a second reading:

A bill to be entitled an act to exempt from levy and sale, one female slave with her future increase, for the benefit of each family in the State.

Also, a bill to be entitled an act to authorize contracts for the loan of money at more than eight per cent in writing.

Mr. Reid presented the petition of various citizens of the town of Marion, to change the corporate limits of said town. Referred to the committee on corporations.

Mr. Clanton, of Sumter, introduced a bill to be entitled an act to authorize Justices of the Peace to have certain attachments executed. Read once, and ordered to a second reading.

Mr. Curry introduced a bill to be entitled an act for the relief of John Wilson and Charles P. Samuel. Read once and ordered to a second reading.

Mr. Lockett introduced a bill to be entitled an act more effectually to assess the tax of Tallapoosa county. Read once and ordered to a second reading.

Mr. Brown, of Tuskaloosa, introduced a bill to be entitled an act to prevent the education of slaves or free persons of color. Read once and ordered to a second reading.

Mr. Powell, introduced a bill to be entitled "an act," to increase the pay of the jailor of Tuskaloosa county, read once and ordered to a second reading.

Mr. Manasco, introduced the following bills which were severally read and ordered to a second reading.

A bill to be entitled "an act to authorize the Judge of Probate, to admit to bail in certain cases.

Also, a bill to be entitled "an act," to regulate the election of Commissioners in the county of Walker.

Mr. Beck, presented the account of R. H. W. Beggu, which was referred to the committee on accounts.

Mr. Cochran, from committee on judiciary, to whom was referred the bill to regulate the practice in the Circuit Court of Butler county, reported advisely thereto, which was concurred in by the House.

Mr. Cochran, from the same committee to whom was referred the bill to repeal Section 930 of the Code, reported favorable thereto, this bill was ordered to be engrossed for a third reading.

Mr. Cochran, from the same committee, to whom was referred a bill to be entitled "an act," to repeal Section 2257 of the Code, reported adversely thereto.

Mr. Towles, moved to lay the report on the table, pending which motion,

Mr. Jackson, moved that its further consideration be suspended, which prevailed, and on motion of

Mr. Jackson, the House took an informal recess until 11 o'clock.

At 11 o'clock the Speaker took the chair and called the House to order.

Mr. Smith, of Lauderdale, moved that the Senate be invited into the hall of the House of Representatives, for the purpose of counting the vote for Governor of the State of Alabama.

The hour of 11 A. M. having arrived the Senate by invitation appeared within the hall of the House of Representatives and the two Houses in convention, proceeded to count the vote for Governor of the State of Alabama, for the ensuing Gubernatorial term as follows:

For John A. Winston,	- - - -	42,238
" George D. Shortridge,	- - - -	30,639
" Mr. Gunn,	- - - -	1
" Mr. Harris,	- - - -	1

Mr. John A. Winston, having received a majority of all the votes polled in the State of Alabama, on the 1st Monday in August, 1855, as appears by legal returns,

Mr. Speaker, declared him duly and constitutionally elec-

ted Governor of the State of Alabama for the term prescribed by the constitution.

On motion of

Mr. Jackson, the following resolution was adopted :

*Resolved*, That a committee of three be appointed on the part of the House to act with a like committee on the part of the Senate, to inform the Hon. John A. Winston, of his election to the office of Governor, and to inquire when it will be his pleasure to take the oath of office ; Messrs. Jackson, Howard and Williams were appointed said committee.

On motion of

Mr. Curry, the orders of the day were suspended to allow the introduction of a resolution.

Thereupon, Mr. Curry, offered the following resolution, which was adopted.

That so much of the Governor's Message as relates to Federal relations be referred to the committee on the same.

Internal Improvements, to committee on the same.

State Bank and Branches, to committee on the same.

University, to committee on the same.

Ways and Means, to committee on the same.

Military, to committee on the same.

Education, to committee on the same.

Retrenchments, to committee on the same.

Banks and Branches, to committee on the same.

Penitentiary, to committee on the same.

Constitution, to committee on Judiciary.

Geological Survey, to committee on Internal Improvements.

Insane Hospital, to select committee to be appointed on that subject and the other topics of the message to the several committees properly having charge of the same, which resolution was adopted.

The following engrossed bills were read third time and passed.

A bill to be entitled "an act," for the relief of John Milford, census taker of Perry county and other purposes.

Also, a bill to be entitled "an act," to change the pay of Jurors of Butler county.

Also, a bill to be entitled "an act," respecting the Mobile Bay Road Company.

On motion of

Mr. Critcher, the House adjourned to meet again on Monday morning at 10 o'clock.

MONDAY MORNING, November 19, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Speaker, laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Mr. Grubbs, introduced a bill to be entitled "an act," to regulate the probate of accounts in certain cases.

Mr. Staton, introduced a bill to be entitled "an act," to authorize the Sheriff of Blount county, to execute constables duty in civil cases.

Mr. Ellis, of Blount, introduced a bill to prevent camp hunting in the county of Blount.

Mr. Bradley, introduced a bill to increase the pay of Grand and Petit Jurors in the county of Cherokee and for other purposes.

Mr. Sanford, introduced a bill to authorize the Probate Court of Cherokee county, to grant an order to sell the slaves belonging to Andrew Donalson, deceased, late of said county.

Mr. Ward, of Dale, introduced a bill to punish certain officers for levying on property, knowing the same to be exempt from execution.

Mr. Thornton, introduced a bill to be entitled "an act," to amend Section 499 of the Code.

Mr. Smith, of Franklin, introduced a bill to be entitled "an act," for the relief of Lydia McRight, of Franklin county.

Mr. Little, introduced a bill to fix the pay of Judges and Sheriffs of Hancock county.

Mr. Rice, introduced a bill to repeal 1537 Section of the Code of Alabama.

Mr. Reid, introduced a bill to make Henrietta M. Sexton, of the county of Perry, a free dealer.

Mr. Nabors, introduced a bill to amend Section 980 of the Code.

Which were severally read and ordered to a second reading.

Mr. Brown, of Marion, introduced a bill to locate permanently the seat of justice in the county of Marion, read first time and constitutional rule being suspended, was read second time, rule being further suspended was read third time and passed.

Mr. Critcher, presented the petition of Wm. C. Thomas, which was referred to committee on Propositions and Grievances.



Mr. Curry, presented the account of J. C. Henderson, which was referred to the committee on accounts.

The House then resumed the consideration of the motion of Mr. Towles, to lay on the table the report of the Judiciary committee, on the bill to be entitled "an act" to repeal Section 2257 of the Code, which motion was lost, the question then recurred upon concurring in the report of the committee and the yeas and nays were demanded.

Those who voted in the affirmative are Messrs. Speaker, Acree, Battle, Beavers, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Byrne, Carpenter, Chapman, Clanton, of Sumter, Cocaran, Crawford, Curry, Davis, Ellis, of Blount, Fowler, Galloway, Gillam, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Manasco, Maples, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Nabors, Owens, Pennington, Powell, Pryor, Pynes, Reid, Remson, Smith, of Franklin, Smith, of Lauderdale, Smith, of Randolph, Smith, of Mobile, Staton, Sykes, Taylor, of Coosa, Thornton, Thorn, Ward, of Cherokee, Withers and Wright.—62.

Those who voted in the negative are Messrs. Alford, Barry, Bishop, Brown, of Marion, Critcher, Cunningham, Dawson, Echols, English, Garlick, Lockett, Nicholson, Peddy, Portis, Rice, Sanford, Shackelford, Taylor of Coosa, Towles, Ward, of Dale, Williams, Winston and Woolsey.—23

Report was concurred in.

Mr. Cochran, from the Judiciary committee, reports back to the House the bill to consolidate the officers of tax assessor and collector in Pickens county, and ask its reference to committee on ways and means, which was concurred in.

Mr. Cochran, from the same committee reported adversely to the bill to repeal Section 3133 of the Code.

Mr. Brown, moved to lay report on the table, lost; question recurred upon concurring in the report, yeas and nays.

Those who voted in the affirmative are Messrs. Speaker, Acree, Alford, Barry, Battle, Bernhard, Beck, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis, of Blount, Fowler, Galloway, Garlick, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, Maples, McBride, McClanahan, McMullen, McConnell, Milligan, Miree, Moorer, Moragne, Nabors, Nicholson, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson,

Rice, Sanford, Shackelford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Thorn, Towles, Ward, of Cherokee, Ward, of Dale, White, Williams, Winston, Withers and Wright.—87.

Messrs. Beavers and Brown, of Marion, voted in the negative.—2.

The report was concurred in.

Mr. Cochran, from the same committee to which was referred the bill to amend Sections 3302 and 3303 of the Code of Alabama, and the bill to alter and amend the law in relation to the settlements of estates of deceased persons, reported adversely thereto, which was concurred in.

Mr. Cochran, from the same committee, reported adversely to the bill authorizing the Probate Court of Jefferson county to decree a sale of certain lands therein named.

Mr. Camp, moved to lay the report on the table, lost, the report was then concurred in.

Mr. Cochran, from the same committee, reported back to the House, the bill to declare Mary J. Ously, a free dealer, and recommend its passage; the report was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Thornton, from the Judiciary committee to which was referred a bill to compensate Tales Jurors in certain cases, have had the same under consideration and report it back to the House without amendment and recommend its passage, report was concurred in, and the bill ordered to be engrossed.

Mr. Cochran, from the same committee to which was referred a bill to repeal the act to aid the Southern Military Academy, has considered the same and instruct me to report that the Legislature have not the power to pass said law, and said bill ought not to pass; the report was concurred in.

The hour of 12 M. having arrived, on motion of

Mr. Jackson, the Senate was invited into the hall of the House for the purpose of electing a United States Senator.

The two Houses then in joint convention proceeded to ballot.

Hon. Benjamin Fitzpatrick, of Autauga and Hon. Luke Pryor, of Limestone, being in nomination.

Those who voted for Mr. Fitzpatrick, are Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, Wilson, of Pickens, of the Senate.—20. Of the House, Messrs. Speaker, Acree, Alford, Beavers, Beck, Bishop,

Bradley, Brown, of Marion, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, Maples, McClanahan, McConnell, McMullen, Milligan, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Ward of Dale, Williams and Winston.—58—20 : 78.

Those who voted for Mr. Pryor, are *Messrs.* Ashley, Baker, Bethea, Cock, Hatcher, Jemison, Kimble, Peterson, Taylor, Webb, of the Senate.—10. Of the House, *Messrs.* Barry, Battle, Bernhard, Belser, Brown, of Tuskaloosa, Byrne, Carpenter, Clanton, of Montgomery, Clanton, of Sumter, Crawford, Cunningham, Echols, English, Fowler, Galloway, Gilmore, Howard, Jay, McBride, Miree, Moorer, Nicholson, Odom, Owen, Powell, Reid, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, White, Withers, Wright and Woolsey.—35—10 : 45.

Mr. Fitzpatrick having received a majority of all the votes cast, Mr. Speaker, declared him duly and constitutionly elected Senator to the Congress of the United States, for the term prescribed in the constitution.

The Senate withdrew to their chamber.

Mr. Smith, of Franklin, moved to adjourn until to-morrow morning 10 o'clock.

Mr. Curry, demanded the yeas and nays.

Mr. Smith, of Franklin, voted in the affirmative.—1.

Those who voted in the negative are *Messrs.* Speaker, Acree, Alford, Barry, Battle, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton, of Montgomery, Clanton, of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Fowler, Galloway, Garlick, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Manasco, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Odom, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Taylor, of Tuskaloosa, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Che-

rokee, Ward, of Dale, White, Williams, Winston, Withers, Wright and Woolsey.—89.

The Speaker, laid before the House the following communication :

To the Honorable Speaker and members of the House of Representatives of the General Assembly of the State of Alabama.

Gentlemen :

By a resolution of the executive board, of the Alabama State Agricultural Society, unanimously adopted at a meeting held at their Industrial Palace, on the 17th inst., the grateful task has been assigned to me of tending to your Honorable body with its officers individually and collectively, the freedom of the Society grounds during the fair and of specially inviting your Honorable body and its officers to attend the fair on Wednesday morning, when the annual address will be delivered.

I have the honor to be,

With high consideration,

Your obedient servant,

J. CROOM.

*President, Alabama State Agricultural Society.*

Montgomery, November, 19, 1855.

Mr. Cochran, moved that when this House adjourn tomorrow, it adjourn to meet on Thursday morning 10 o'clock, and that a committee of three be appointed to notify the President of the society, the acceptance of the invitation.

Messrs. Cochran, Hobbs and Clanton were appointed said committee.

Mr. Staton, moved to suspend the orders of the day to allow the introduction of a joint resolution, and the chairman of the committee on divorce and alimony to report a bill, which motion prevailed.

Mr. Staton : Joint Resolution, proposing to amend the constitution in relation to divorces, which was read and ordered to a second reading.

Mr. Nabors, reported a bill to divorce Samuel M. Doolittle from his wife Sarah O. Doolittle, on motion the constitutional rule was suspended and the bill read second and third times forthwith and passed.

Mr. Nabors, from the same committee reported a bill to divorce certain persons therein named, which was read first time and constitutional rule being suspended, read second time and ordered to be engrossed for third reading.

*Mr. Cochran*, moved to suspend further the order of the day, which was sustained.

*Mr. Cochran*, from the committee on the Judiciary, to which was referred a bill as to the powers of the clerks of common law courts, has had the same under consideration and instruct him to report a substitute thereto, which was adopted and ordered to be engrossed.

Engrossed Bills :

A bill to be entitled "an act" to repeal a certain act therein named.

A bill to be entitled "an act" to provide for the relief of census takers.

A bill to be entitled "an act" to repeal an act therein named and for other purposes.

A bill to be entitled "an act" to repeal an act therein named.

A bill to be entitled "an act" to extend the time holding the Circuits Courts in the county of Greene.

A bill to be entitled "an act" to repeal an act, requiring Justices of the Peace of Lowndes county in their respective elective beats, to act as apportioners and supervisors of roads and other purposes, were severally read the third time and passed.

Orders of the day :

A bill to amend Section 2165 of the Code.

A bill for the relief of the heirs of George Hewlit deceased.

A bill in reference to executions issued upon judgments rendered by Justices of the Peace, were severally read second time and refered to the Judiciary committee.

A bill to authorize the administratorship of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months.

A bill to regulate summoning of Jurors in the county of Marshall.

A bill to declare Lewis D. Frener and William S. Walker, citizens of Marshall county and for other purposes, said bills were severally read second time and ordered to be engrossed for a third reading.

A bill for the relief of Elisha J. Green, of the county of Tallapoosa, was read second time and refered to the committee on ways and means.

A bill to repeal in part act entitled "an act" to incorporate the Pickens DeKalb minute men, was read second time and referred to the committee on corporations.

A bill for the relief of William D. Sankey, was read second time and referred to the committee on accounts.

A bill to change the time of holding the general election of the State of Alabama, was read second time and referred to committee on privileges and elections.

A bill to change the time of holding the Circuit Courts in the counties of Marshall and Jackson, was read second time and referred to special delegation from the counties of Marshall and Jackson.

A bill to repeal the military laws of the State of Alabama, was read second time and referred to committee on military affairs.

House adjourned to meet to-morrow morning 10 o'clock.

TUESDAY MORNING, November 20, 1855

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Speaker laid before the House the report of the commissioners and trustee, to close the affairs of the banks.

Mr. Curry, offered the following resolution :

*Resolved*, That the Senate concurring, that a joint committee of three from each House to be appointed, to whom shall be referred the report of the commissioners and trustee of the State Bank and Branches, which was adopted.

Mr. Curry, moved that 2000 copies of the report be printed, which motion prevailed.

Mr. Browder, introduced a bill to be entitled "an act" to authorize the stay of executions in the Circuit Court, when judgment is rendered at the first term after suit is brought.

Mr. Winston, introduced a bill to be entitled "an act" to authorize the commissioners Court of DeKalb, to re-convey lands in a certain case.

Mr. McConnell, introduced a bill to be entitled "an act" to fix the pay of Probate Judges and Sheriffs of Fayette county.

Also, a bill to be entitled "an act" for the protection of Telegraph lines and for other purposes.

Mr. Thorn, introduced a bill to be entitled "an act" to restrict the county Court commissioners in Franklin county in levying taxes.

Mr. Carpenter, introduced a bill to be entitled "an act" to prevent the hunting of wild hogs in the county of Greene.

Mr. Little, introduced a bill to be entitled "an act" to regulate the drawing and paying Grand and Petit Jurors in the county of Hancock.

*Mr. Sykes*, a bill to be entitled "an act" to make *Martha Callahan*, of the county of *Lawrence*, a free dealer.

*Mr. Barry*, a bill to be entitled "an act" to change the law of evidence in certain cases.

*Mr. Owens*, a bill to be entitled "an act" to alter and amend Section 1162 of the Code of Alabama.

*Mr. Critcher*, a bill to be entitled "an act" to reduce the rate of taxation.

*Mr. Reid*, a bill to be entitled "an act" for the filling of vacancies in the offices of overseers of public roads in certain cases.

*Mr. Nabors*, a bill to be entitled "an act" to amend Section 2022 of the Code.

*Mr. McBride*, a bill to be entitled "an act" empowering the Court of county commissioners to fix the pay of jurors in their respective counties.

*Mr. Remson*, a bill to be entitled "an act" to amend Section 177 and 661 of the Code.

*Mr. Powell*, a bill with a petition, to be entitled "an act," to regulate the Patrol duty in precinct No. 3. in the county of *Tuskaloosa*.

Which bills were severally read and ordered to a second reading.

*Mr. Sheffield*, presented the account of *Wm. D. Walker*, which was referred to the committee on accounts.

*Mr. Gilmore*, presented the petition of *Richard D. Shackelford*, which was referred to the committee on the Judiciary.

*Mr. Nabors*, from the committee on divorce and alimony, reported back the bill to divorce *Gabriel Lovvom* from his wife *Mary Lovvum* and recommend its passage: the bill was ordered to be engrossed.

*Mr. Nabors*, from the same committee, reported a bill to be entitled "an act" to divorce *Martha C. Cowart* from her husband *Wiley G. Cowart*, and other persons therein named; the bill was then read and ordered to a second reading.

*Mr. Nabors*, from the same committee to whom was referred a paper writing, purporting to be a copy of the record of a bill for a divorce filed in the twenty-sixth Chancery District, by *Daniel Cannon* against *Jane Cannon*, made the following report:

That the record fails to comply with the requirements of of Section 1978 of the Code of this State; that the Register of said Chancery Court has failed to certify that the same is a complete copy of the record in the case; there being no certificate on it as required by the law, the committee deem it

improper to Legislate on the subject until the record is properly certified ; the committee therefore refer the record back to the House and ask to be discharged from the further consideration of the subject.

Mr. Smith, of Lauderdale, moved to lay the report on the table ; the motion prevailed.

Mr. Beck, from committee on corporations, to whom was referred an act to incorporate the Huntsville Hotel Company, reports same back to the House and recommend its passage : said bill was ordered to be engrossed for a third reading.

Mr. Beck, from the same committee, to whom was referred a bill to amend an act, to amend the several acts incorporating the town of Tusculum in Franklin county, reports same back to the House and recommend its passage ; the bill was ordered to be engrossed.

Mr. McBride, offered the following resolution :

*Resolved*, That the committee of Judiciary be instructed to inquire into the expediency of forming an additional Circuit, from the counties composing the eighth and ninth Circuits and report by bill or otherwise.

Mr. Dawson, moved to amend by striking out all after the word resolved, and insert the following :

That a committee to consist of one member from each judicial Circuit be appointed to inquire into the expediency and propriety of re-organizing the judicial Circuits, so as to equalise the same and report by bill or otherwise. which as amended was adopted.

Mr. Belser, offered a resolution to add another standing rule to the rules of the House, which he gave notice he would move to adopt after to-morrow.

Mr. Remson, offered the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of altering the Constitution, as to require Annual instead of Biennial Sessions, limiting the Sessions to thirty days with leave to report by joint resolution or otherwise, which was adopted.

Mr. Winston, offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of reducing the taxes, and altering the present mode of assessing and collecting the same, and that they report by bill or otherwise. which was adopted.

Mr. Manasco, offered the following resolution :

*Resolved*, That it be referred to the committee on Internal Improvements, to report to the House a complete history of



the two and three per cent. funds, showing the amounts received from the governments of the United States, what amount is still claimed to be due from them and the different appropriations already made by the State out of said funds, which was adopted.

*Mr. Bishop*, offered the following resolution:

*Resolved*, That the committee on education, be instructed to inquire into the expediency of abolishing the office of Superintendent of education, placing the duties of that office into the hands of the Comptroller, with leave to report by bill or otherwise, which was adopted.

*Mr. Manasco*, offered the following resolution:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of limiting the Session of the General Assembly, and that they have leave to report by bill or otherwise, adopted.

*Mr. Belser*, offered the following resolution:

*Resolved*, That the Comptroller of Public Accounts, be requested to furnish this House as early as practicable with a statement, showing the exact condition of the two and three per cent. fund now under the control of the State.

Which motion was adopted.

*Mr. Bernhard*, moved to reconsider the vote of yesterday, concerning the report of Judiciary committee, which reported adversely to the bill to alter and amend the law in relation to the settlement of estates, which motion was lost.

*Mr. Maples*, from special committee composed of the delegations from the counties of Marshall and Jackson, reported back to the House the bill to change and regulate the times of holding the Circuit Courts of Marshall and Jackson counties, which was ordered to be engrossed.

Engrossed bills:

A bill to be entitled "an act" authorizing the Clerk of the city Court of Mobile to issue attachments.

A bill to be entitled "an act" to compensate Tales Jurors in certain cases.

A bill to be entitled "an act" to declare Mary J. Onsley a free dealer.

A bill to be entitled "an act" to regulate the summoning of jurors in Marshall county.

A bill to be entitled "an act" to declare Lewis D. French and William S. Walker, citizens of Marshall county and for other purposes.

A bill to be entitled "an act" to authorize the Adminis-

trators of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months.

A bill to be entitled "an act" to divorce certain persons therein named.

A bill to be entitled "an act" to divorce Samuel M. Doolittle from his wife Sarah O. Doolittle.

Were severally read a third time and passed.

A bill to amend in part the act incorporating the Tennessee and Alabama Central Railroad Company.

A bill to make Francis C. Bejaman, of the county of Lawrence, a free dealer.

A bill to make Martha G. Troutman, of Coffee county a free dealer.

A bill constituting George W. Rogers, a liner.

A bill to regulate the election of Commissioners in the county of Walker.

A bill to increase the pay of the jailor of Tuskaloosa county.

A bill for the relief of John Wilson and Charles P. Samuel.

A bill for the preservation of Game, in the county of Greene.

A bill to authorize the Sheriff of Blount county, to execute constables duty in civil cases.

A bill to fix the pay of Judges and Sheriffs of Hancock county.

Read a second time and ordered to be engrossed for third reading.

The bills making the State of Alabama liable for all costs when she fails in her prosecutions either civil or criminal.

To define the rights of bail in cases punished capitally.

To amend Section 1952 of the Code of Alabama.

Also, relating to the burnt records of Butler county.

To authorize the Judge of Probate to admit to bail in certain cases.

To prevent the education of slaves or free persons of color.

To authorize Justices of the Peace to have certain attachments executed.

To authorize contracts for the loan of money at more than eight per cent. in writing.

To exempt from levy and sale one female slave with her increase, for the benefit of each family in this State.

To exempt persons from serving as Jurors in certain cases.

To regulate the fees of the Judge of Probate, of the county of Greene.

To change Section 985 of the Code.

To change the rate of interest in this State.

To regulate the Probate of accounts in certain cases.

To increase the pay of Grand and Petit Jurors in the county of Cherokee and for other purposes.

To authorize the Probate Court of Cherokee county, to grant an order to sell the slaves belonging to the estate of Andrew Donalson, deceased, late of said county.

To punish certain officers for levying on certain property knowing the same to be exempt from execution.

To amend Section 499 of the Code.

To repeal the 1537 Section of the Code.

To make Henrietta M. Sexton of the county of Perry, a free dealer.

To amend Section 989 of the Code.

Joint resolutions proposing amendments to the constitution in relation to divorces, were severally read second time and referred to the committee on the Judiciary.

The bill more effectually to assess the tax of Tallapoosa county, was read the second time and referred to the committee on ways and means.

The bills to prevent the taxation on stock invested in Rail roads under certain conditions, and to amend a certain act therein named, were read second time and referred to the committee on Internal Improvements.

The bill for the relief of Wm. Kolambka, late tax collector of Lawrence county, was read second time and referred to committee on accounts.

The bill for the relief of Lydia McWhorter, of Franklin county, was read second time and referred to committee on propositions and grievances.

The bill to prevent competition in the county of Blount, which read second time.

Mr. Camp moved to lay the bill on the table, which was lost.

Mr. Rice, moved to amend by striking it out.

Mr. Camp, to amend the amendment by Mr. Miller, Jackson, which was lost.

Mr. Beavers, to include Mr. Chair.

Mr. Taylor, of Chesa, the county of Chesa.

The amendment as amended, was then adopted.

Mr. Smith, of Lauderdale, moved to refer the bill, as amended, to the judiciary committee.

The House refused the reference.

The bill was then referred to the committee on proposition and grievances.

Mr. Chapman, moved to reconsider the vote by which the bill was referred to the committee on propositions and grievances.

Which motion was lost.

Mr. Smith, of Lauderdale, to take from the table the report of the committee on divorce and alimony, so as to allow time to withdraw certain papers in regard to divorcing Daniel Cannon from his wife Jane Cannon, for the purpose of correcting it, leave was granted.

The bill to incorporate the Commercial Bank of Alabama, was read second time and referred to the committee on Bank and Banking.

House then adjourned to meet 10 o'clock Thursday morning.

THURSDAY MORNING, November 22, 1855.

House met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

Mr. Speaker, laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Mr. Speaker, announced the following committee under the resolution of Mr. McBride, to re-organize the Judicial Circuits:

Messrs. McBride, Dawson, Beck, Carpenter, Pryor, Haden, Goode, Nabors, Graham.

Also, Messrs. Curry, Battle, Reid, under the resolution to refer the report of Trustee and Commissioner of Banks and Branches, to a joint committee of the two Houses.

Mr. Jackson, introduced a bill to be entitled "an act" to repeal an act entitled an act, to repeal so much of the Code of Alabama, as prohibits the circulation of the Bank bills of other States of a less denomination than five dollars.

Mr. Jay, introduced a bill to be entitled "an act" to change the mode of performing militia duty in this State.

Mr. Woolsey, introduced bills declaring Jefferson Clay, a liner between the counties of Dallas and Autauga, a citizen of Dallas county.

An act to alter and amend Section 1132 of the Code.

Mr. Ward, of Dale, a bill to change the law in relation to the county surveyors and coroners in the county of Dale.

Mr. Winston, to prescribe the mode by which advertisements may be made in a newspaper.

Mr. Thorn, a bill to cause the county Treasurer and county Surveyor of Franklin county, to be elected by the people.

Mr. Thornton, a bill to provide for Sheriff fees in certain cases.

Also, a bill to amend paragraph 17, Section 391 of the Code.

Mr. Cunningham, a bill for the relief of Robert A. Johnston, Administrator, &c.

Also, a bill to amend the Dower law.

Mr. Williams, a bill to amend Section 1872 of the Code.

Mr. King, a bill to establish a board of Physicians in the county of Shelby.

Mr. Bishop, a bill in relation to fines imposed on road defaulters.

Mr. Remson, a bill to legalise election precincts No. 18 and 19, in the Talladega county.

Mr. Shackelford, a bill to compensate Physicians for certain services therein named.

Mr. Powell, a bill to authorize James Clements, of Tuska-loosa county, to erect a mill on Pois creek, in said county.

Mr. Powell, moved to suspend constitutional rule, to give the bill a second reading, lost.

Also, a bill to authorize the qualified voters of Tuskaloosa county, to elect the Treasurer of said county.

Mr. Manasco, a bill to regulate the Grand and Petit Jurors of Walker county and for other purposes.

Were severally read and ordered to a second reading.

Mr. Graham, presented the petition of A. W. McBrayer, of Coosa county, which was referred to the committee on propositions and grievances.

Mr. Woolsey, presented the memorial of the citizens of Selma and the county of Dallas, which was referred to the committee on Banks and Banking.

Mr. Burgess, presented the certificate of Joseph Edwards, Sheriff of DeKalb county, in relation to the claim of R. N. Collins, for services as guard.

Mr. Rice, presented the account of Joseph Stroup, which was referred to the committee on accounts.

Mr. Pryor, a bill to authorize the Court of county Commissioners, of the county of Limestone, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad company, was read first time.

Mr. Pryor, moved to suspend constitutional rule, which was carried.

The bill was then read second time.

Mr. Speaker, laid before the House a memorial to the Legislature of Alabama, upon the same subject, which were referred to the Judiciary committee.

Mr. Chapman, presented the memorial of Stockholders of the Memphis and Charleston Railroad company, which was referred to the committee on Internal Improvements.

Mr. Withers, a bill to incorporate the Mobile Steam Ship Company, which was read and constitutional rule on motion being suspended, the bills was read second time and referred to the committee on corporations.

Mr. Peddy, presented the certificate of Simeon Goldsby, Judge of Probate of Tallapoosa county, and referred to committee on ways and means.

#### Reports :

Mr. Brown, from the committee on propositions and grievances, to which was refered a bill to make Elizabeth Caroline Bell, wife of James D. Bell, a free dealer, reports the same back to the House and recommend its passage, the bill was then ordered to be engrossed for a third reading.

Mr. Graham, from the same committee to which was referred the petition of R. W. Higgins and others of DeKalb county, in behalf of Samuel Morris, a free person of color, have had the same under consideration and report the accompanying bill :

A bill to be entitled "an act" for the relief of Samuel Morris, a free person of color, which was read the first time and ordered to a second reading.

Mr. Graham, from the same committee to which was referred a bill to make Francis Smith, wife of Augustus Smith, of Tallapoosa county, a free dealer, have had the same under consideration. majority of which report the same back to the House and recommend its passage, the bill was then ordered to be engrossed for a third reading.

Mr. Reid, on committee on corporations, to which was referred the petition of divers citizens of the town of Marion, in the county of Perry, to reform or change the corporation limits of said town, reported and recommended the passage of the following bill, to be entitled an act to reform the corporation limits of the town of Marion, in the county of Perry, which was read the first time and ordered to a second reading.

Mr. Peddy, from the committee on State printing, to which was referred the Biennial report of the Comptroller, have had the same under consideration and ask leave to submit the following report :

That the committee are of the opinion, that all the neces-

sary information may be obtained without printing the entire report, they have therefore selected such portions as they thought necessary for a proper understanding of all the various subjects contained in the report.

They would first recommend the printing of the report showing the state of the treasury, tax receipts, assessments, tract book, two and three per cent. fund, common school and educational fund, *Mobile and Ohio Railroad loan*, *Insane Hospital*, *Bank of Montgomery* and the financial prospect of the State.

They would next recommend the printing of the tabular statement, showing the condition of the State Treasury on the 30th day of September, 1855, as to be found on pages 1, 2 and 3, the statement showing the disbursement of the contingent fund, as found on pages 5 and 6.

The recapitulation of statements, showing the total State tax, slave fund, licenses, cash payments, insolvency, mileage and commissions for the years 1853 and 1854.

And also, the tabular statement, showing the aggregate of each item of taxation in the State, and the taxes therein for the year 1853 and 1854, as found on the last two pages of the tabular statements.

Your committee would respectfully suggest the printing of five thousand copies of the matter recommended in this report, which was concurred in.

Mr. Jackson, from the committee on the part of the House, to act with a like committee on the part of the Senate, to wait upon the Hon. John A. Winston and inform him of his election to the office of Governor and inquire when it would suit him to take the oath of office, have discharged the duties assigned them, and have received in answer from his Excellency, that on Thursday the 20th of December, 12 o'clock M., he will be prepared to take the oath of office.

All of which is respectfully submitted.

Mr. Jackson, moved the report lie on the table and committee be discharged, granted.

Mr. Belser, moved to take up the resolution, to take up an other standing rule to the rules of this House :

Whenever any bill or proposition is referred to either of them, the subject matter of which has already been disposed of by the Code, and hereby instructed to report the same back to this House adversely with a statement, that the same is already provided for by law, naming the Section of the Code which relates to it, or the tribunal which has been intrusted with it by previous legislation, which was adopted.

Mr. Speaker, announced the following committee under the resolution of

Mr. Curry, that so much of the Governor's message as referred to the Lunatic Asylum, be referred to a select committee :

Messrs. Williams, Brown, of Tuskaloosa, Chapman, Little, Taylor, of Chambers, Shackelford and Howard.

Mr. Critcher, presented joint memorials to the Congress of the United States, which were read and referred to the committee on federal relations.

Engrossed bills :

To make Francis C. Benjamin, of the county of Lawrence, a free dealer.

To make Martha P. Troutman, of Coffee county, a free dealer.

For the relief of John Wilson and Charles P. Samuel.

To fix the pay of Judges and Sheriffs of Hancock county.

A bill constituting George W. Rogers, a liner, &c.

For the preservation of game in Greene county.

To authorize the Sheriff of Blount county, to execute constables duty in civil cases.

To change and regulate the time of holding the Circuit Courts of Marshall and Jackson counties.

To amend the several acts incorporating the town of Tusculumbia, in Franklin county, approved February 3, 1854.

To divorce Gabriel Lovvom from his wife Mary Lovvom.

Which bills were severally read third time and passed.

The engrossed bill to amend in part the act incorporating the Tennessee and Alabama Railroad Company, was read.

Mr. Hobbs, moved to amend by way of engrossed ryder, said ryder was read first and second time and the bill as amended, was read third time and passed.

The engrossed bill to regulate the election of Commissioners in the county of Walker, was read third time and the House refused to pass the bill.

Engrossed bill to increase the pay of Jailors of Tuskaloosa county, was read third time, and on motion of

Mr. Smith, of Lauderdale, laid on the table.

A bill to restrict the County Court Commissioners of Franklin county in levying county taxes, which was read second time and referred to the delegation from Franklin county.

A bill for the filling vacancies of the office of overseers of public roads, in certain cases, was read second time and referred to the committee on Roads, Bridges and Ferries.



A bill to reduce the rate of taxation, was read second time and referred to the committee on Ways and Means.

A bill to authorize the stay of executions in the Circuit Court when judgment is rendered at the first time after suit is brought.

A bill authorizing the Commissioners' Court of the county of DeKalb to reconvey land in a certain case.

A bill for the protection of telegraph lines, and for other purposes.

A bill to change the law of evidence in certain cases.

A bill to alter and amend section 1162 of the Code.

A bill to amend section 2022 of the Code.

A bill to amend sections 177 and 661 of the Code.

A bill empowering the Court of County Commissioners to fix the pay of Jurors in their respective counties, were severally read second time, and referred to the committee on Judiciary.

A bill to make Martha Callahan, of the county of Lawrence, a free dealer.

A bill to divorce Martha C. Cowart from Wiley G. Cowart, and other persons therein named.

A bill to prevent the hunting of wild hogs in the county of Greene.

A bill to fix the pay of Probate Judges and Sheriffs of Fayette county.

A bill to regulate patrol duty in precinct No. 3, in the county of Tuskaloosa.

A bill to regulate the drawing and paying grand and petit jurors in the county of Hancock, which were severally read second time and ordered to be engrossed.

Mr. Carpenter asked leave of absence for his colleague, Mr. Fowler ; granted.

Mr. Speaker laid before the House sundry census reports, which, on motion of Mr. Jackson, was referred to a committee composed of one from each Judicial circuit.

The motion prevailed, and the reports were so referred.

And the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, November 23, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Blue.

Mr. Brown, of Marion, moved to reconsider the vote of yesterday, adopting the 44th rule of the House.

Mr. Rice moved to lay said motion on the table.

Mr. Chapman : To postpone the further consideration of the motion to reconsider the vote until 11 o'clock, Monday morning, which motion prevailed.

Mr. Towles asked leave of absence for his colleague, Mr. Alford.

Mr. Jackson, leave for Mr. Graham until Monday morning next.

Mr. Haden moved to reconsider the vote of yesterday, by which the bill to regulate the election of Commissioners in the county of Walker was lost, which motion prevailed.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Also announced the select committee, under Mr. Jackson's resolution of yesterday, in regard to census reports.

Messrs. Beck, Jackson, Fowler, Smith, of Lauderdale, Ward, of Cherokee, Byrne, Kirkland, Clanton, of Montgomery and Echols.

Mr. Jackson introduced a bill to compel plaintiffs in civil actions to give security for cost of suit.

Mr. Cochran :

A bill, with a petition, for the relief of securities of Hart McCall, late tax collector of Barbour county.

Mr. Sanford :

A bill to regulate the taxes for the years 1856 and 1857.

Mr. Bradley :

A bill to make Elizabeth C. Hill, in the county of Clarke a free dealer.

Mr. Jay :

Authorizing and requiring Justices of the Peace to take notice of and punish offences committed on the Sabbath.

Mr. Burgess :

A bill to regulate the summoning of Jurors in the county of DeKalb.

Mr. Little :

A bill to consolidate the offices of tax assessor and collector in the county of Hancock.

Mr. Camp :

To hold owners of slaves responsible for certain offences.

Mr. Brown, of Marion :

A bill to repeal section 396 of the Code.

Mr. Reid :

A bill to increase the fees of Jailors, and to amend section 3992 of the Code of Alabama.

Also, a bill to amend section 3047 of the Code, and to increase the fees of Sheriffs and Jailors in certain cases.

*Mr. Williams :*

A bill to amend section 1065 of the Code.

*Mr. Nicholson :*

A bill to pay Golsberry Ray a certain sum of money for provisions and forage furnished United States mounted troops during the war with the Creek Indians.

*Mr. Beavers :*

A bill for the relief of Robert R. Freeman, of St. Clair county.

*Mr. Manasco :*

A bill to reduce the office fees of Judge of Probate, Circuit Clerk and Sheriff in the county of Walker.

*Mr. Jackson :*

A bill to fix the time of holding the Chancery Court of the 15th Chancery District in the middle chancery Division, which were severally read and ordered to a second reading.

*Mr. Goode* presented a petition which was referred to the committee on the Judiciary.

*Mr. Jay* presented the account of J. P. Anderson. Referred to committee on Accounts.

*Mr. Chapman :*

A bill to aid the Memphis and Charleston Railroad Company.

*Mr. Larkins* moved to suspend the constitutional rule so as to give the bill a second reading forthwith, which was carried, and the bill was read second time and referred to committee on Internal Improvements.

*Mr. Haden* presented a petition, which was referred to committee on Judiciary.

### Reports.

*Mr. Cochran*, from the Judiciary committee to whom was referred the bill to make matters of assumpsit stand in the same altitude in law and in equity, stand in the same altitude as other matters of debt or contracts, has considered the same, and report that it is inexpedient to legislate on the subject.

*Mr. Camp* moved to lay the report on the table, which was lost. The report was concurred in.

*Mr. Cochran*, from the same committee, made the following reports :

The committee on Judiciary, to which was referred a bill in reference to executions from Justices of the Peace, has reconsidered the same, and report adversely thereto.

The committee on Judiciary, to which was referred a bill to amend section 2163 of the Code, has considered the same,

and reports adversely thereto.

The committee on Judiciary, to which was referred a bill to exempt certain persons from serving on juries, has considered the same, and report adversely thereto.

The committee on Judiciary, to which was referred a bill to punish certain officers for levying on property, knowing the same to be exempt from execution, has considered the same and report adversely thereto.

The Judiciary committee, to which was referred a bill to repeal 1537 of the Code, has considered the same, and report adversely thereto.

Which reports were severally concurred in.

The Judiciary committee, to which was referred a bill to prevent the execution of negro slaves and free persons of color has considered the same, and report favorably thereto.

The same committee, to which was referred a bill to regulate the fees of Judge of Probate of Greene county, has considered the same, and report favorably thereto.

From the same committee, to which was referred the bill to amend section 985 of the Code, has considered the same and report favorably thereto.

From the same committee, to which was referred a bill to amend an act concerning the burnt records of Butler county, has considered the same, and report it back to the House, and recommend its passage.

Which reports were concurred in, and the several bills ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred the petition of Richard Shackelford, praying to be released from making annual returns as guardian, has considered the same and reports adversely thereto.

Mr. Gilmore moved to lay the report on the table, which motion was lost, and the report was then concurred in.

Mr. Cochran, from the Judiciary committee, to which was referred a bill to amend section 980 of the Code, has considered the same, and report an amendment, and recommend the adoption of the amendment and the passage of the bill as amended, which was lost.

Mr. Curry moved to lay the bill and amendment on the table, which prevailed.

Mr. Cochran, from the same committee, to which was referred a bill to change the time of holding the Circuit Court of Madison and Jackson counties, has considered the same, and report favorably thereto.

Mr. Chapman moved to suspend the constitutional rule,

which was carried, and the bill was read the third time and passed.

Mr. Beck, from the committee on Corporations, to which was referred the bill to incorporate the Mobile Steamship Company, have had the same under consideration, and report the same back to the House without amendment, and recommend its passage.

Mr. Curry moved to suspend the constitutional rule, so as to give the bill a third reading forthwith.

The motion prevailed, and the bill was read third time and passed.

Mr. Beck moved that it be sent forthwith to the Senate. Concurring.

Mr. Taylor, of Chambers, from committee on Accounts, to whom was referred the claim of R. H. W. Biggu, for certain services therein mentioned, have found the same fully provided for by existing laws, and report the same back to the House, with a request that it be returned to the claimant.

Mr. Rice offered the following resolution :

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of reducing the present taxes as to meet the economical expenses of the State, having due regard to its present liabilities, also to the surplus revenue now in the Treasury, which was adopted and so referred.

Mr. Jackson offered the following resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses meet in joint convention on Wednesday, the 28th instant, at 11 o'clock, A. M., and at the same hour from day to day thereafter, for the purpose of going into the elections generally in the order in which they may hereafter be designated.

Mr. Miree offered the following amendment :

That the elections shall be in the following order :

1. Chancellor for the Northern Chancery Division.
2. Secretary of State.
3. Treasurer.
4. Comptroller.
5. Attorney General and Solicitors in the order of their circuits, which, as amended, was adopted.

Mr. Gilmore offered the following resolution :

*Resolved*, That the committee on Federal Relations be, and they are hereby instructed to enquire into the expediency of prohibiting by penal law the introduction of paupers and criminals into the State of Alabama, with leave to report by bill

or otherwise, which was adopted.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved*, That with the concurrence of the House of Representatives, the report of John Whiting, Commissioner and Trustee of the State Bank and Branches, be referred to a joint select committee to consist of three members on the part of each house, with leave to report by bill or otherwise.

Messrs. Jemison, Bacon and H. C. Jones were appointed said committee on part of the Senate.

The Senate has originated and passed bills of the following titles :

To authorize the Court of County Commissioners of Greene county to appropriate a portion of the fine and forfeiture fund for the creation of a fire proof office for the Probate Court of said county.

To incorporate the Florence Synodical Female College.

To authorize the pay of Jurors in certain cases, in Autauga, Montgomery and other counties.

To enable Railroad companies to borrow money, and for other purposes.

To incorporate the Huntsville Hotel Company.

Which bills were severally read and ordered to a second reading.

The Senate concurs in the resolution of the House, proposing to appoint a joint committee to wait on the Hon. John A. Winston and inform him of his election to the office of Governor, and ascertain from him when it will be his pleasure to take the oath of office, and has appointed Messrs. Acklin, Jemison and Abernathy said committee on the part of the Senate.

Mr. Patton, Jemison and Brindley constituted the committee on the part of the Senate to examine the offices of Comptroller and State Treasurer.

The Senate has passed a bill from the House for the relief of John Milford, census taker of Perry county, and for other purposes amended as there shown.

The Senate has originated and passed a bill to authorize James B. Martin, Jr., to practice law in the several counties of this State.

The House, as amended by the Senate, was concurred in, and the Senate bill was ordered to a second reading.

The following engrossed bills were severally read third time and passed :

To make Francis Smith, of the county of Tallapoosa, a free dealer.

To make Elizabeth Caroline Bell, wife of James D. Bell, of the county of Tuskaloosa, a free dealer.

To regulate patrol duty in precinct No. 3, in the county of Tuskaloosa.

To fix the pay of Probate Judges and Sheriffs of Fayette county.

To prevent the hunting of wild hogs in the county of Greene.

To regulate the drawing and paying of grand and petit jurors in the county of Hancock.

To make Martha Calkins, of the county of Lawrence, a free dealer.

To divorce Martha C. Calkins from her husband Wiley G. Calkins, and other persons therein named.

Bills of the following titles were severally read and referred to the Judiciary committee:

To repeal so much of the Code of Alabama as prohibits the circulation of bills of other States of a less denomination than five dollars.

To change the law in relation to County Surveyor and Coroner in the county of Dale.

To amend section 1872 of the Code.

To amend the Power law.

To provide for sheriffs' fees in certain cases.

To alter and amend section 1132 of the Code.

To prescribe the mode by which advertisements may be made in newspapers.

To regulate the grand and petit jurors in the county of Walker, and for other purposes.

A bill to change the mode of performing military duty in this State, was read second time and referred to the committee on military.

A bill declaring Jefferson M. Clay, a liner between Dallas and Autauga counties and a citizen of Dallas, was referred to special committee, composed of the Delegations from Autauga and Dallas.

A bill to amend paragraph 17, Section 391 of the Code, read second time and referred to committee on ways and means.

A bill for the relief of Robert A. Johnston, Administrator &c., was read second time and referred to special committee, composed of the delegation from Macon.

A bill to establish a board of Physicians in the county of

Shelby, was read second time and referred to a special committee composed of the Physicians of the House.

A bill in relation to fines imposed on road defaulters, was read second time and referred to the committee on roads, bridges and ferries.

A bill to legalise election precincts No. 18 and 19 in Talladega county, was read second time and referred to committee on privileges and elections.

A bill to compensate Physicians for certain services therein named.

To authorize James L. Clements, of Tuskaloosa county, to erect a mill on Pois creek in said county, were severally read second time and referred to committee on propositions and grievances.

The bills for the relief of Samuel Morris a free person.

To cause the county Treasurer and county Surveyor, of Franklin to be elected by the people.

To extend the jurisdiction of the Probate Court of Greene county.

To authorize the qualified voters of Tuskaloosa county, to elect the Treasurer of said county, were severally read second time and ordered to be engrossed.

The House adjourned until 10 o'clock to-morrow morning.

SATURDAY MORNING, November 24, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Speaker, laid before the House an additional census report, which was referred to the committee on census.

Also, a communication from the Governor, inclosing the report of the Commissioners to examine into the affairs of the Bank of Mobile and the Southern Bank of Alabama, which was referred to the committee on Banks and Banking.

Mr. Brown, of Tuskaloosa, asked leave of absence for Mr. Bernhard, granted.

Mr. Sanford, introduced a bill to bill the boundary line between Cherokee and Benton, which was read first time, and on motion of

Mr. Sanford, constitutional rule was suspended and the bill read second time and referred to a select committee, composed of the delegations from Cherokee and Benton.

Mr. Chapman, introduced a bill to authorize the completion of the final records of the county of Madison.

Also, a bill for the benefit of certain negroes therein named.



Mr. Haden, a bill to authorize the emancipation of a slave therein named.

Mr. Brown, of Marion, a bill to change the manner of appointing overseers of roads in Marion and Walker counties.

Mr. Withers, introduced a bill to incorporate the Medical College at Mobile.

Also, a bill to incorporate the Mobile Transportation and Insurance company.

Mr. Lynch, introduced a bill to consolidate the offices of tax assessor and tax collector.

Which bills were severally read first time and ordered to a second reading.

Mr. Haden, introduced a bill to authorize the emancipation of certain slaves therein named, and on motion the constitutional rule was suspended and the bill was read second time and referred to the committee on Judiciary.

Mr. Churry, introduced a bill to aid the Alabama and Tennessee River Railroad, which was read the first time and on motion of

Mr. Withers, the constitutional rule was suspended, the bill was read second time forthwith and referred to the committee on Internal Improvements.

Mr. Portis, presented the petition of Eliza Jane Wood, of Monroe county, which was referred to the committee on divorce and alimony.

Reports from the Judiciary committee:

Mr. Cochran, reported adversely to the bills to amend Section 2022 of the Code.

To alter and amend Section 1162 of the Code.

Mr. Owen, moved to lay the report on the table, which motion was lost.

To authorize the Probate Court of Cherokee county, to grant an order to sell the slaves belonging to the estate of Andrew Donalson, deceased, late of said county.

To amend Sections 177 and 661 of the Code.

Which reports were severally concurred in.

Mr. Cochran, from the same committee, reported the following amendment to the bill empowering the commissioners to fix the pay of jurors in their respective counties and recommend the adoption of the amendment and the passage of the bill as amended; add tales after petit and before Jurors strike out and when it occurs before petit and insert it before tales.

Mr. Menasco, moved to amend, provided that the provisions of this act does not extend to the county of Walker.

Mr. Brown, of Marion, to amend the amendment, by ad-

ding the county of *Marion*, which was accepted by *Mr. Menasco* and the amendment as amended was lost.

*Mr. Withers*, moved to amend, so as to read revenue after commissioners, adopted.

*Mr. Menasco*, moved to lay the bill and amendments on the table, and demanded the yeas and nays—ayes 6, nays 77.

Those who voted in affirmative are *Messrs. Brown*, of *Marion*, *Menasco*, *Powell*, *Shackleford* and *Towles*.

Those who voted in the negative are *Messrs. Speaker*, *Acree*, *Battle*, *Beavers*, *Beck*, *Belser*, *Bishop*, *Bradley*, *Brown*, of *Tuskaloosa*, *Browder*, *Burgess*, *Byrne*, *Camp*, *Carpenter*, *Chapman*, *Cochran*, *Critcher*, *Cunningham*, *Curry*, *Davis*, *Dawson*, *Echols*, *Ellis*, of *Blount*, *English*, *Fowler*, *Galloway*, *Garlick*, *Gilmore*, *Goode*, *Grubbs*, *Haden*, *Hancock*, *Hobbs*, *Howard*, *Jackson*, *Jay*, *Jones*, *Kirkland*, *Larkins*, *Little*, *Locket*, *Lynch*, *Maples*, *McBride*, *McMullen*, *Milligan*, *Mirce*, *Moragne*, *Moorer*, *Nabors*, *Nicholson*, *Odum*, *Peddy*, *Pennington*, *Portis*, *Pryor*, *Pynes*, *Reid*, *Remson*, *Rice*, *Sanford*, *Sheffield*, *Smith*, of *Franklin*, *Smith*, of *Lauderdale*, *Smith*, of *Mobile*, *Smith*, of *Randolph*, *Staten*, *Sykes*, *Taylor*, of *Chambers*, *Taylor*, of *Coosa*, *Thornton*, *Thorn*, *Ward*, of *Cherokee*, *Ward*, of *Dale*, *White*, *Williams*, *Winston*, *Withers* and *Wright*.

The bill was then ordered to be engrossed.

*Mr. Cochran*, from the same committee, reported an amendment to the bill, to amend Section 499 of the Code; in place of four dollars, substitute two dollars and fifty cents and five cents per mile, which was adopted.

*Mr. Towles*, moved to except the county of *Chambers*.

*Mr. Menasco*, the county of *Walker*.

*Mr. Portis*, the county of *Monroe*.

*Mr. Withers*, moved to lay the bill and amendment on the table, which motion prevailed.

*Mr. Cochran*, from the same committee to whom was referred the bill for the protection of telegraph lines and other purposes reported a substitute therefor, which was read and adopted and ordered to be engrossed.

*Mr. Belser*, from the same committee to which was referred the bill, to make the State of *Alabama* liable for all cost when she fails in her prosecutions, either civil or criminal, reported an amendment therefor, which was adopted and ordered to be engrossed.

*Mr. Belser*, from the same committee to which was referred the bill to exempt from levy and sale one female slave with her future increase, for the benefit of each family in this State,

reported an amendment thereto, which was concurred in and the farther consideration of the bill as amended, was postponed until Monday next at 11 o'clock, A. M.

Mr. Nabors, made the following report from the committee on divorce and alimony, to which was referred sundry records of divorce in favor of Daniel Cannon, against his wife Jane Cannon.

John Sullivan against his wife Sarah Sullivan and Mary J. Sanderson against her husband Alexander J. Sanderson, have had the same under consideration and report the following bills and recommend their passage.

To divorce Daniel Cannon from his wife Jane Cannon.

To divorce John Sullivan from his wife Sarah Sullivan.

To divorce Mary J. Sanderson from her husband Alexander J. Sanderson.

Which bills were severally read first time and ordered to a second reading.

Mr. Nabors, from the same committee to which was referred a record of divorce in the case of Wm. Harden vs. Elizabeth Harden,

Report that there is no testimony in the record or accompanying the decree of the Chancellor which authorize the decree.

The committee therefore ask to be discharged from the further consideration of the subject.

On motion the record and report was ordered to lie on the table.

Mr. Hancock, from the committee on Roads, Bridges and Ferries, to which was referred different petitions asking for charters for turn pike roads, have had the same under consideration and report that it is inexpedient to grant said petitions.

Mr. Cunningham, from select committee, composed of the delegation from Macon, to which was referred a bill for the relief of Robert A. Johnson, Administrator, &c., report favorably thereto and recommend the passage of the bill.

Mr. Withers, moved to lay the report on the table and the bill referred to the committee on Judiciary, which was carried.

Mr. Speaker, introduced joint resolutions on the present condition of public affairs, which was referred to the committee on federal relations and 133 copies ordered to be printed for the use of the House.

Resolutions as follows :

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate; that past associations, present fruition and future prospects will bind us to it so long as it continues to be the safeguard of those rights and privileges.

*Resolved, 2.* That the State of Alabama, in the judgment of this General Assembly, will and ought to resist even (as a last resort) to a disruption of every tie which binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, the domestic tranquility, the rights and honor of the slaveholding States; or any act suppressing the slave trade between the slaveholding States; or any refusal to admit as a State any Territory hereafter applying because of the existence of slavery therein; or any act prohibiting the introduction of slaves into the Territories of Utah and New Mexico; or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

*Resolved, 3.* That the principle of strict non intervention by Congress upon the subject of slavery in the territories is the only principle yet suggested for the settlement of this vexed question, which is consistent with the spirit of the Constitution and the equal rights of the States; and any interference by Congress for the prevention of slavery in any of the Territories would be an inexcusable and unconstitutional infringement of the rights of the South which, it is the deliberate sense of this General Assembly, it would be the duty of the people of Alabama to resist.

*Resolved, 4.* That the act of Congress providing Territorial Governments for Nebraska Kansas, embodies the principle of Congressional non-interference upon the subject of slavery in the Territories, and the provisions of that act so far as they relate to that subject meet the hearty concurrence and approval of this General Assembly.

*Resolved, 5.* That the act of Congress approved March 6th, 1820, commonly called "The Missouri Compromise," was a departure from the spirit of the Constitution, and an unwarrantable trespass upon the equal rights of the States, submission to which, as subsequent events have proved, was both unwise and unfortunate; that its repeal as effected by the Nebraska Kansas act was only simple, tardy justice to the slaveholding States; and that its restoration by Congress

would be a flagrant wrong, resistance to which would be a sacred duty with all who cherish those essential principles of constitutional right and State equality, a faithful adherence to which is the only mode by which the Federal Union can be preserved.

*Resolved*, 6. That whilst we deprecate as a great evil the formation of geographical or sectional parties, still it is the deliberate conviction of this General Assembly that, in view of the great practical questions which now involve and menace their dearest rights and most important interests, the people of the slaveholding States, disregarding all former party divisions and all considerations of minor importance, should unite for the protection of their threatened rights, and for the prevention of further aggressions upon their domestic institutions; and that they should refuse longer to affiliate with any National party which will not distinctly and unequivocally recognise and maintain the full measure of their rights under the Constitution.

*Resolved*, 7. That in the judgment of this General Assembly every consideration of patriotism, self-respect and safety, demands that no party in the South should participate in any National Convention for the purpose of nominating candidates for President and Vice President of the United States, unless such Convention shall adopt a platform of principles as the basis of a National organization prior to the nomination of candidates, nor unless the platform so adopted shall unequivocally embody and assert in substance, the following propositions:

1st. The recognition and approval of the principle of non-intervention by Congress upon the subject of slavery in the Territories, as embodied in the Nebraska Kansas act.

2d. That neither the "Missouri Compromise" nor any other restriction or prohibition of slavery shall hereafter, by any act of Congress, be extended over any Territory of the United States.

3d. That no State shall be refused admission into the Union because of the existence of slavery therein.

4th. The faithful execution of the Fugitive Slave Law.

*Resolved*, 8. That those patriotic men of the North who, rising above the clamors of sectional fanaticism and regardless of personal consequences, supported by their votes and voices the Nebraska Kansas act and the Fugitive Slave Law, have exhibited a moral courage and a public virtue which entitle them to the respect and admiration of all good men,

and which demand, in an especial manner, the lasting gratitude and heartfelt thanks of the whole Southern people.

*Resolved*, 9. That a copy of these Resolutions be transmitted by the Executive to each of the Senators and Representatives in Congress from this State, to be laid before their respective Houses, and also to the Governors of the respective States of the Union.

Mr. Nabors, introduced joint resolutions proposing to amend the constitution of the State, which was read and ordered to a second reading.

Mr. Jackson, from the committee on ways and means to which was referred a bill for the relief of Elisha J. Green, of the county of Tallapoosa, has considered the same and report the bill back to the House and recommend its passage.

The bill was ordered to be engrossed.

Mr. Jackson, from the same committee to which was referred a bill for the relief of Alexander Posey, of Shelby county, has had the same under consideration and report that it is inexpedient to pass said bill, which was concurred in.

Mr. Belser, offered the following resolution :

*Resolved*, That the Judiciary be requested to take into consideration the propriety of the call of a convention of this State to revise the constitution thereof and that the said committee report to this House as early as practicable, by bill or otherwise, which was adopted.

Mr. Brown, of Marion, offered the following resolution :

*Resolved*, That on Monday next, at 10 o'clock, A. M., the members of the House of Representatives shall draw for the seats in the hall.

*Be it further resolved*, That the Clerk by that hour make numbers from one to one hundred and put them into one hat and the names of the members into another hat and the Door Keeper shall draw first from the hat containing the numbers and another from the hat containing the names, and the name drawn immediately after number one, shall have first choice, and so on to the end,

Which on motion of

Mr. Cochran, was laid on the table.

Engrossed Bills of following titles were read third time and passed.

To extend the jurisdiction of the Judge of Probate Court of Greene county.

To cause the county Treasurer and county Surveyor of Franklin county, to be elected by the people.

To change Section 985 of the Code.

To regulate the fees of the Judge of the Probate Court of the county of Greene.

An act supplemental to an act relating to the Burut Records of Butler county, approved January 17, 1855.

To authorize the qualified voters of Tuscaloosa county, to elect the Treasurer of said county.

The engrossed bill to prevent the education of slaves or free persons of color, was read third time.

Mr. Sanford, moved to amend by engrossed ryder; that the provisions of this act shall not extend so far as to prohibit owners of slaves from teaching their own slaves.

Read the first time and the House refused the engrossed ryder a second reading.

Mr. Davis, moved to lay the bill on the table and the motion prevailed.

Bills on their second reading:

A bill to make Elizabeth C. Hill, of the county of Cherokee, a free dealer.

A bill to reform the corporate limits of the town of Marion, in Perry county.

A bill to regulate the summoning of jurors in the county of DeKalb.

Were severally read the second time and ordered to be engrossed.

A bill to compel plaintiffs in civil actions to give security for cost of suits.

For the relief of Hart McCall, late Tax Collector of Barbour county.

To hold owners of slaves responsible for certain offences.

To repeal Section 396 of the Code.

To increase the fees of jailors, and to amend Section 3992 of the Code of Alabama.

To amend Section 3047 of the Code, and to increase the fees of sheriffs and jailors in certain cases.

To amend Section 1065 of the Code.

To reduce the fees of Judge of the Probate Court, Circuit Clerks and Sheriffs in the county of Walker.

To fix the time of holding the Chancery Courts of the 15th Chancery District in the Middle Chancery Division.

Which bills were severally read the second time and referred to the committee on the Judiciary.

A bill to regulate the taxes for the years 1856 and 1857.

A bill to consolidate the offices of tax assessor and collector in the county of Hancock.

Said bills were severally read second time, and referred to the committee on Ways and Means.

The bill authorizing and requiring Justices of the Peace to take notice and punish offences committed on the Sabbath, was read second time and referred to the committee on Education.

A bill to pay Golsberry Ray a certain sum of money for provisions furnished United States mounted troops during the war with the Creek Indians in 1837, was read second time and referred to the committee on Accounts.

The bill for the relief of Robert R. Freeman, of St. Clair county, was read second time and referred to the committee on Propositions and Grievances.

#### Senate Bills :

A bill to authorize the court of county commissioners for Greene county to appropriate a part of the fine and forfeiture fund to the erection of a fire proof office for the Probate court of said county. ;

The bill to incorporate the Florence Synodical Female College ;

The bill to authorize the pay of Jurors in certain cases in the counties of Autauga, Montgomery and other counties ;

A bill to incorporate the Huntsville Hotel Company ;

A bill to authorize James B. Martin, Jr., to practice law in the several counties of this State ;

Were severally read second time and ordered to a third reading.

The Senate bill to enable Railroad companies to borrow money, and for other purposes, was read the second time and referred to the committee on Internal Improvements.

The report of the Adjutant General was laid before the House, and, on motion, referred to the committee on Military.

#### Message from the Senate :

The Senate has passed bills from the House of the following titles :

To incorporate the Huntsville Hotel Company.

To allow the clerk of the circuit court of Perry county a longer time within which to issue executions.

To authorize the clerk of the city court of Mobile to issue attachments.

To repeal an act entitled an act to authorize the apportioners of the different districts in Pickens county to appoint overseers, &c.

To repeal section 930 of the Code.



The Senate has originated and passed bills of the following titles :

For the relief of Edmond Bailey, of Shelby county.

To fix the pay of Judges of Probate and Sheriffs of Fayette county.

To create the office of Assistant County Surveyor of Marion county.

To authorize the Probate court of Chambers county to grant letters of administration on the estate of W. H. Adkins, deceased, late of Tallapoosa county.

Which bills were severally read first time and ordered to a second reading.

On motion, the House adjourned until 10 o'clock Monday morning.

MONDAY, November 26, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony.

Mr. Ellis, of Blount, introduced a bill to be entitled an act to build the Alabama Central Railroad.

Mr. Staton moved to suspend the constitutional rule.

Mr. Critcher to lay the bill on the table, and print 133 copies for the use of the House.

The motion prevailed.

Mr. Sanford introduced a bill to regulate the fees of the Probate Judge of Cherokee in issuing marriage license.

Mr. McConnell introduced a bill to allow executors and administrators discretion any powers in certain cases.

Mr. Camp introduced a bill for the benefit of indigent families in this State.

Mr. Brown, of Marion, introduced a bill to re-index the Code of Alabama.

Mr. Howard introduced a bill to declare Anna Callen and Jane Chetyburge free dealers.

Mr. Belser introduced a bill for the better protection of male minors in this State.

Mr. Reid introduced a bill to repeal a certain part of the 4th division of section 2462 of the Code of Alabama.

Mr. Nabors introduced a bill to amend section 2260 of the Code.

Mr. Lynch introduced a bill to authorize Charles Dean to erect gates across a certain road therein named.

Which bills were severally read and ordered to a second reading.

Mr. McMullen introduced a bill to create a new Judicial Circuit in the State of Alabama, which bill was read first time, and constitutional rule being suspended was read second time, and referred to a special committee on Judicial Circuits.

Mr. Belser introduced a bill to amend section 3860 of the Code, which bill was read first time, and constitutional rule being suspended was read second time, and ordered to be Engrossed for a third reading.

Mr. Belser moved to suspend the call of the counties, to allow him to introduce joint resolutions to the Congress of the United States, concerning an amendment of the naturalization laws, and for other purposes, which motion prevailed.

The resolution was then read and referred to the committee on Federal Relations.

Mr. Shackelford introduced a bill for the relief of John A. Stow and Isaac Stow, of Tallapoosa, which was read, and constitutional rule being suspended, was read second time and referred to the physicians of the House.

Reports :

Mr. Pryor, from the committee on Judiciary, to which was referred the bill and counter petition thereto, to authorize the court of county commissioners of the county of Limestone to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, have had the same under consideration, and report said bill back to the House without amendment, and recommend its passage.

Pending the consideration of the bill, the hour of 11 o'clock having arrived, for which hour there being a special order, namely :

The motion of Mr. Brown, of Marion, to reconsider the vote by which the House passed the 44th rule.

The House proceeded to the consideration of the special order, and refused to reconsider the vote.

Mr. Davis moved to suspend the orders of the day with a view of disposing of the bill, which motion prevailed, and the House resumed the consideration of said bill.

The yeas and nays were called on ordering the bill to be engrossed for a third reading.

Yeas—Messrs. Speaker, Aerce, Beavers, Battle, Barry, Beck, Belser, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Clanton, of Sumter, Cochran, Crawford, Cuninghame, Curry, Davis, Dawson, Fowler, Gilmore, Graham, Grubbs, Hobbs, Howard, Jay, King, Larkins, Little,

McBride, McClanahan, McMullen, Miree, Nabors, Nicholson, Odom, Owen, Peddy, Powell, Pryor, Pynes, Reid, Remson, Smith, of Franklin, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Dale, White, Withers, Winston, and Wright—56.

Nays—Messrs. Beavers, Bishop, Bradley, Brown, of Marion, Chapman, Critcher, Ellis, of Blount, Galloway, Garlick, Goode, Haden, Hancock, Jackson, Kirkland, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Moragne, Portis, Rice, Sanford, Shackelford, Ward, of Cherokee—30.

The bill was ordered to be engrossed.

Message from the Senate by Mr. Taul.

Mr. Cochran moved a further suspension of the orders of the day to take up the message from the Senate, and to allow reports from standing committees.

Mr. Speaker: The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will meet in the hall of the House on Tuesday, 22d instant, at the hour of 12 o'clock, M., to elect a Secretary of State, a State Treasurer, Comptroller of Public Accounts, which was concurred in by the House.

Mr. Cochran, from the Judiciary committee, reported adversely to the bills:

To provide for Sheriffs' fees in certain cases;

To prescribe the mode in which advertisements may be made in newspapers;

For the relief of George Hunt, deceased;

Which reports were severally concurred in.

Also, adversely to the petition of Lawrence B. Shelley and Alexander Erskine.

Mr. Cochran, from the same committee, to which was referred the bill to be entitled an act to repeal an act entitled an act to repeal so much of the Code of Alabama as prohibits the circulation of Bank bills of other States of a less denomination than five dollars, have had the same under consideration and report adversely thereto.

The question being upon concurring in the report, and the yeas and nays were called.

Yeas—Messrs. Acree, Barry, Beavers, Belser, Bishops, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Burgess, Camp, Carpenter, Cochran, Crawford, Critcher, Cuninghame, Davis, Dawson, Ellis, of Blount, Galloway, Garlick, Goode, Grubbs, Haden, Hancock, Hobbs, King, Kirkland, Larkins, Little, Lockett, Maples, McBride, McClanahan, McMullen,

Milligan, Moragne, Moorer, Nabors, Nicholson, Odom, Owen, Peddy, Powell, Pryor, Pynes, Beid, Remson, Rice, Sanford, Shackelord, Sheffield, Smith, of Franklin, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Thornton, Thorn, Towles, Ward, of Cherokee, Ward, of Dale, Winston and Wright—61.

Nays—Messrs. Speaker, Battle, Beck, Byrne, Chapman, Clanton, of Sumter, Curry, Fowler, Gilmore, Howard, Jackson, Jay, Lynch, McConnell, Miree, Pennington, Portis, Smith, of Lauderdale, Smith, of Mobile, White and Withers—20. The report was concurred in.

Message from the Senate.

Mr. Speaker: The Senate has passed a House bill to divorce Samuel M. Doolittle from his wife Sarah O. Doolittle.

Mr. Cochran, from the same Committee, reported adversely to the bill to alter and amend section 1132 of the Code, which was ordered to lie on the table.

Mr. Cochran, from same committee, reported adversely to the bill to regulate the grand and petit jurors in the county of Walker.

Mr. Manasco moved to lay the report on the table, which motion prevailed.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred the bill to amend section 1872 of the Code, have had the same under consideration, and report the same back to the House, and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred the bill to compensate defendants' witnesses in prosecutions against slaves, have had the same under consideration and report an amendment thereto, which was adopted and the bill ordered to be engrossed.

Mr. Belser, from the same committee, to which was referred a bill to amend the dower law, reported adversely thereto and the report was concurred in.

Mr. Thornton, from the same committee, to which was referred the bill to change the law in relation to county surveyors and coroners in the county of Dale, reported adversely thereto.

Mr. Ward, of Dale, moved said report lie on the table, which prevailed, and the bill ordered to be engrossed for a third reading.

Mr. Portis, from the committee on enrolled bills, to which was referred the bill authorizing the clerk of the county court

of Mobile to issue attachments, have examined the same, and report it back to the House as correctly enrolled.

*Mr. Beck* offered the following resolution :

*Resolved*, That the select committee on State apportionment be instructed to prepare a tabular statement of the sum total of the population of each county in this State, showing the white, black and free colored population of each in separate columns, and that 150 copies for the use of the General Assembly.

*Resolved*, That the committee be authorized to employ a clerk.

On motion, the House adjourned to meet to-morrow morning 10 o'clock.

TUESDAY, November 27, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

*Mr. Speaker* laid before the House several records of divorce, which were referred to the committee on Divorce and Alimony.

*Mr. Barry* asked leave of absence for his colleague, *Mr. Moor*, which was granted.

*Mr. Cochran* introduced a bill to repeal sections 939, 940 and 941 of the Code, so far as Barbour county is concerned.

*Mr. Wright* introduced a bill to amend section 2417 of the Code of Alabama.

*Mr. Smith*, of Franklin, introduced a bill to authorize *Thomas Thorn and sons*, of Franklin county, to erect a certain dam therein named.

*Mr. Sykes* introduced a bill to amend section 3222 of the Code.

*Mr. Haden* introduced a bill to amend sections 983 and 984 of the Code.

*Mr. Clanton*, of Sumter, introduced a bill to enlarge the jurisdiction of the Probate court in the settlement of estates of deceased persons.

Also, a bill requiring the Supreme Court of Alabama to take jurisdiction of appeals in certain cases therein named.

*Mr. Gilmore* introduced a bill to amend the attachment law.

Also, a bill in relation to new trials.

*Mr. Menasco* :

Amendatory to an act establishing commissioners' districts in the county of Walker, approved January 6, 1852, which were severally read and ordered to a second reading.

*Mr. Ward*, of Cherokee :

A bill more permanently to establish the line between the county of Cherokee and the county of DeKalb.

Constitutional rule being suspended, the bill was read second time and referred to select committee, composed of the delegations from DeKalb and Cherokee counties.

Mr. Thornton, introduced joint resolutions on school law, which were read and constitutional rule being suspended, were read second time and referred to the committee on education.

Mr. Little, introduced a bill to change the county boundaries of Hancock county, which was read and constitutional rule being suspended, was read second time and referred to the committee on county boundaries.

Mr. Reid, introduced a bill to amend Section 1825 of the Code and to increase the fees of Administrators and Executors in certain cases.

Read and constitutional rule being suspended, was read second time and referred to the committee on judiciary.

Mr. Owen, introduced a bill to amend Section 1162 of the Code so far as the county of Macon is concerned,

Was read and constitutional rule being suspended was read second and third times and passed.

Mr. Thornton, presented the petition of Wm. J. Hughes and others from Franklin, which was read and referred to the committee on judiciary.

Mr. Chapman, presented the petition of Davis Moore and others of Madison county, which was referred to committee on 16th Sections.

Reports from standing committees :

Mr. Cochran, from the judiciary committee, to which was referred bills to amend Section 3047 of the Code and to increase the fees of Sheriffs or Jailors, and to compel Plaintiffs in civil actions to give security for cost of suit,

Reported adversely thereto and the reports were concurred in.

Mr. Cochran, from the same committee reported adversely to the bill to hold owners of slaves responsible for certain offences.

Lost, the report was then concurred in.

Mr. Cochran, from the same committee, reported favorably to the bill for the relief of Robert A. Johnston,

The constitutional rule being suspended the bill was read third time and passed.

Mr. Cochran, from the same committee reported favorably to the joint resolution to the constitution, in relation to divorces.

Mr. Menasco, moved to lay the report and motion on the table, which motion was lost.

The joint resolutions were then ordered to be engrossed.

Mr. Graham, from the same committee, to which was referred the bill to fix the time of holding the Chancery Court of the 15th Chancery District, in the Middle Chancery Division, reported adversely thereto.

On motion of

Mr. Jackson, the report and bill was ordered to lie on the table,

Which motion prevailed.

Mr. Cochran, from the same committee to which was referred the bill to increase the fees of Jailors and to amend Section 3992 of the Code, reported adversely thereto.

Mr. Howard, moved to lay the report on the table.

The motion prevailed.

Mr. Cochran :

To re-commit the bill to select committee composed of the delegation from Mobile, Perry, Tuskaloosa, Greene, Clark, Dallas, Marshall, Sumter.

The motion prevailed.

Mr. Cochran, from the same committee to which was referred the bill to reduce the ex-officio fees of Judges of Probate, Circuit Clerks and Sheriffs in the county of Walker, reported favorably thereto and recommended its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee to which was referred the bill to repeal Section 396 of the Code, reported adversely thereto.

Which report was concurred in.

Mr. Cochran, from the same committee to which was referred joint resolutions, proposing an amendment to the Constitution, providing for the reduction of square miles in a county, report favorably thereto and recommend the passage of the same.

Mr. Winston, moved to amend by adding after the word Constitution where it occurs in the fourth line of the same Section and insert the following :

Nor shall the line of such county approach the Court House of any old county from which it may be taken nearer than twelve miles, and in all cases where an old county may be reduced for the purpose of forming a new one, the seat of Justice in said old county, shall not be removed without the concurrence of two thirds of both Houses of the Gene-

ral Assembly or a majority of the voters of the old county.

Mr. Sanford, moved to amend the amendment by striking out twelve miles where it occurs, which was lost.

The question then was upon the adoption of the amendment of Mr. Winston, and the yeas and nays were called.

Yeas, Messrs. Acree, Beavers, Burgess, Critcher, Davis, Echols, Ellis, of Blount, Jackson, Kirkland, Lockett, Menasco, McBride, McConnell, McMullen, Moragne, Nabors, Odom, Peddy, Portis, Pynes, Shackelford, Smith, of Randolph, Staton, Williams, Winston, Wright.—26.

Nays, Messrs. Speaker, Battle, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown, of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton, of Sumter, Cochran, Curry, Dawson, Galloway, Garlick, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, Milligan, Miree, Nicholson, Owen, Pennington, Powell, Remson, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, White and Withers.—53.

The amendment was lost.

Pending the consideration of the resolution, the House took an informal recess preparatory to going into the election of Secretary of State, Treasurer and Comptroller of Public Accounts.

Mr. Speaker, laid before the House a communication from the Hon. W. P. Chilton.

To the Honorable, the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Gentlemen :

Being desirous of returning to the practice of my profession, I hereby resign my office of Judge of the Supreme Court of the State of Alabama, to take effect the 31st day of December next.

Very respectfully,

Your obedient servant,

W. P. CHILTON.

The hour of 12 o'clock having arrived, the Senate appeared within the hall of the House of Representatives by invitation for the purpose of electing a Secretary of State, Treasurer and Comptroller of Public Accounts.

When in joint convention, the two Houses proceeded to the election of Secretary of State.



The names of James H. Weaver, of Coosa and Edwin R. Wallace, of Madison, being in nomination.

Those who voted for Mr. Weaver, were Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Kimbal, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson and Wilson, of Pickens.—22.

House, Messrs. Speaker, Acree, Beck, Bishop, Bradley, Brown, of Marion, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Miree, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Williams and Winston.—55—22 : 77.

Those who voted for Mr. Wallace, are Messrs. Baker, Bethea, Cock, Peterson, Prince, Taylor and Webb, of the Senate.—7.

Battle, Belser, Byrne, Carpenter, Clanton, of Sumter, Crawford, Cunningham, Echols, Fowler, Galloway, Gilmore, Howard, Jay, McBride, McClanahan, Nicholson, Odom, Owen, Powell, Pryor, Rice, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, White, Withers and Wright, of the House.—29—7 : 36.

Mr. Weaver, having received a majority of all the votes given, was declared by Mr. Speaker, to be duly and constitutionally elected Secretary of State for the term prescribed by law.

The two Houses in joint convention proceeded to the election of Treasurer of the State of Alabama.

William Graham, of Autauga, alone being in nomination and having received all the votes cast, ninety-seven, was declared by Mr. Speaker, duly and constitutionally elected Treasurer for the term prescribed by law.

The two Houses in joint convention proceeded to the election of a Comptroller of Public Accounts.

Mr. W. J. Green, of Jackson, and Joel Riggs, of Montgomery, being in nomination.

Those who voted for Mr. Green, are Messrs. President, Abernathy, Acklin, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Lamar,

Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, Wilson, of Pickens, Senate.—20.

House, Messrs. Speaker, Acrec, Beavers, Beck, Bishop, Bradley, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Kirkland, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Coosa, Taylor, of Chambers, Towles, Williams and Winston.—52—20: 72.

Those who voted for Mr. Riggs, were Messrs. Baker, Bethea, Cocke, Kimbal, Peterson, Prince, Taylor and Webb of the Senate.—8.

House, Messrs. Barry, Battle, Belser, Brown, of Marion, Brown, of Tuscaloosa, Byrne, Carpenter, Clanton, of Sumter, Crawford, Cunningham, Echols, Fowler, Galloway, Gilmore, Howard, Jay, McBride, McClanahan, Miree, Nicholson, Odom, Owen, Powell, Pryor, Reid, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, Ward, of Dale, White, Withers and Wright.—34—8: 42.

Mr. Green having received a majority of all the votes given, was declared duly and constitutionally elected Comptroller of Public Accounts for the term prescribed by law.

The Senate then withdrew to their chamber.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved*, That the House concurring, that the two Houses meet in convention in the hall of the House of Representatives on Wednesday the 28th inst., for the purpose of electing an Attorney General, Adjutant General and Inspector General for the State of Alabama.

The House concurred in the resolution.

The House proceeded to the orders of the day.

Engrossed bills :

A bill for the relief of Samuel Morris, was read the third time and the yeas and nays were demanded on its passage.

Yeas—Messrs. Beck, Bradley, Brown of Marion, Burgess, Chapman, Crawford, Critcher, Ellis of Blount, Fowler, Galloway, Garlick, Goode, Graham, Grubbs, Haden Howard, Jackson, Jay, Kirkland Larkins, Little, Lynch, Maples, Menasco, McBride, McClanahan, McConnel, Milligan, Owen, Portis, Powell, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith

of Mobile, Smith of Randolph, Staton, Sykes, Towles, Winston and Wright—44.

Nays—Messrs. Speaker, Barry, Belser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Carpenter, Clanton of Sumter, Cunningham, Curry, Davis, Dawson, Echols, Gilmore, Hancock, Hobbs, King, Lockett, McMullen, Miree, Moragne, Nabors, Nicholson, Odom, Peddy, Pennington, Pryor, Pynes, Remson, Shackelford, Smith of Franklin, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Dale, White, Williams and Withers—41.

The following engrossed bills were read the third time and passed :

To regulate the election of Commissioners in the County of Walker.

To reform the corporate limits in the town of Marion, in Perry county.

To make Elizabeth C. Hill, of the county of Cherokee, a free dealer.

Empowering the Court of County Commissioners to fix the pay of jurors in their respective counties.

For the protection of telegraph wires and for other purposes.

The engrossed bill, making the State of Alabama liable for all costs when she fails in her prosecutions, either civil or criminal, was read the third time.

Mr. Winston moved to amend by way of engrossed ryder. Said ryder was read the first time, and the House refused to order it to a second reading.

Mr. Nabors moved to amend by way of engrossed ryder.

Mr. Menasco moved to lay the bill and engrossed ryder on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Beavers, Beck, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Byrne, Chapman, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Fowler, Galloway, Garlick, Gilmore, Goode, Haden, Hancock, Hobbs, Howard, Jackson, King, Kirkland, Larkins, Little, Lockett, Lynch, Maple, Menasco, McClanahan, McMullen, Milligan, Miree, Moragne, McConnell, Nabors, Nicholson, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, White, Williams, Winston and Withers—71

Nays.—Messrs. Belser, Bishop, Camp, Critcher, Da Grubbs, Jay, McBride and Odom—9.

The bill and engrossed ryder were ordered to lie on the table.

Message from the Senate, by Mr. Taul :

The Senate has passed House bills of the following titles :

To change the pay of jurors in Butler county.

To repeal a special act for the payment of jurors, approved 18th day of January, 1845, so far as relates to Blount county.

Respecting the Mobile Bay Road company.

To amend the charter of the town of Tuskegee.

To make Sarah Ann Clark, of the county of Morgan, a free dealer.

To fix the pay of judges and sheriffs of Hancock county.

House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY MORNING, November 28, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Byrne introduced a bill to amend a certain act therein named.

Mr. Little introduced a bill for the relief of Allen B. Scruggs, of Hancock county.

Mr. Brown, of Marion, introduced a bill to authorize Jephtha Evans and Lewis White to peddle without license in the county of Marion.

Which bills were severally read and ordered to a second reading.

Mr. Jackson moved to suspend the call of the counties to allow him to make a motion.

The call of the counties was suspended.

Mr. Jackson then made a motion that the House recall respectfully their resolution to the Senate on yesterday, concerning the resolution of the Senate to bring on the elections of the Attorney General, Adjutant General and Inspector General, to-day, at 12 o'clock. The motion prevailed.

Mr. Critcher introduced a bill to be entitled an act to establish a County Court in the county of Marshall. Which was read, and constitutional rule being suspended, was read second time and referred to the Judiciary committee.

Mr. Mirce presented the petition of sundry citizens of Perry county, which was referred to the committee on Propositions and Grievances.

Message from the Senate, by Mr. Taul :

Mr. Speaker—The Senate has adopted the following resolution :

That the Senate has heard, with feelings of the most profound regret, the death of the Hon. Nathaniel Holt Clanton,

of Macon, who died at his lodgings, in this city, on yesterday, at 6 o'clock, P. M.

*Resolved*, That in the death of Col. Clanton the Senate has lost an able and valuable member, and the State one of its most estimable and worthy citizens.

*Resolved*, That the Senate tender to the family of the deceased a sincere condolence in their irreparable bereavement.

*Resolved*, That each member of this body wear the usual badge of mourning for thirty days, as a token of respect and esteem for the memory of our deceased brother.

*Resolved*, That the Secretary furnish the family of the deceased a copy of these resolutions, and that the same be spread upon the journal.

*Resolved*, That as a further token of respect for the deceased, the Senate do now adjourn until to-morrow, 10 o'clock.

Mr. Echols introduced the following resolution:

*Resolved*, That the House has heard, with sincere regret, the announcement of the death of the Hon. Nathaniel Holt Clanton, Senator from the county of Macon, and that we regard the result as one calling for our sympathy and condolence with his constituents, his family and relations.

*Resolved*, That as a testimony of our respect for the memory of the deceased, the members of this House wear the usual badge of mourning for thirty days.

*Resolved*, That in the death of the Hon. N. H. Clanton, the public council has been deprived of a faithful and efficient member, his constituents of a zealous representative, his family of a reliable and affectionate protector.

*Resolved*, That as a further mark of our respect for the deceased, this House do now adjourn until to-morrow morning, 10 o'clock.

*Resolved*, That the Clerk forward a copy of these resolutions to the family of the deceased, and tender the sympathy and condolence of the House in its late bereavement.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOV. 29, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

Messrs. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Wood appeared within the hall of the House, was qualified and took his seat.

Mr. McMullen introduced a bill regulating the pay of Jus-

tices of the Peace and Constables in criminal cases. Constitutional rule was suspended, the bill read the second time and referred to the Judiciary committee.

Mr. Woolsey introduced bills to amend Section 778 and 660 of the Code, and to make P. C. Stone a free dealer.

Mr. Chapman introduced a bill to repeal an act therein named.

Mr. Brown, of Marion, introduced a bill to authorize the trial of affray and assault and battery cases before Justices of the Peace.

Mr. McClanahan introduced a bill in relation to the Court of County Commissioners in Shelby county.

Mr. Curry introduced a bill to amend the charter of the Opelika and Talladega Railroad Company.

Mr. Powell introduced a bill to amend section 3500 of the Code.

Mr. Taylor, of Chambers, introduced a bill to make Eliza C. Moon, of the county of Chambers, a free dealer.

Mr. Jackson introduced a bill to remedy the evils arising from camp hunting.

Which were severally read and ordered to a second reading.

Mr. Wright presented the account of G. W. Thagard.

Mr. Goode presented the account of H. W. Burge.

Mr. White presented the account of J. W. Faith, Sheriff of Washington county.

Which were severally referred to the committee on accounts.

Mr. Maples introduced joint resolutions, proposing a call of a convention to alter and reform the Constitution of the State of Alabama, which was read, and

Mr. Brown, of Marion, called for the yeas and nays upon ordering the bill to a second reading.

Yeas—Messrs. Speaker, Aree, Alford, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown, of Tuscaloosa, Browder, Burgess, Byrne, Camp, Chapman, Clanton, of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis, of Blount, Fowler, Galloway, Garlick, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Kirkland, Little, Lockett, Lynch, Maples, McBride, McClanahan, McMullen, McConnell, Milligan, Miree, Moragne, Nabors, Nicholson, Odom, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith of Mobile, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Taylor of Coosa, Thornton

Towles, Ward, of Dale, White, Williams, Withers, Wright, Wood and Woolsey—88.

Nays—Messrs. Brown, of Marion, and Manasco—2.

The joint resolution was ordered to a second reading.

Mr. Smith, of Franklin, moved to reconsider the vote ordering the resolution to a second reading.

The vote was reconsidered.

Mr. Maples moved to suspend the constitutional rule, which was carried.

The resolution was read second time, and referred to the Judiciary committee.

Mr. Milligan introduced joint resolutions proposing accession of a part of West Florida to Alabama, which were read, constitutional rule being suspended, were read second time and referred to the committee on Federal Relations.

Mr. Withers introduced a bill relating to the government and revenue of Mobile county, which was read, and constitutional being suspended, was read second time and referred to the committee on Ways and Means.

Mr. Brown, of Tuskaloosa, introduced joint resolutions of the General Assembly of the State of Alabama, in relation to the death of the Hon. H. W. Collier :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That as the representatives of the people, we owe a tribute of respect to the memory of their distinguished fellow citizen. the late Henry W. Collier.

SEC. 2. *Be it resolved,* That, in the language of the Executive, he enjoyed the confidence of those who knew him as a man of ability, integrity and sterling worth, and that we can point with singular pride and pleasure to his elevated career as a statesman and jurist, as furnishing an encouraging example to those aspiring to true eminence, by pursuing the path of virtue, of right, and of honor.

SEC. 3. *Be it resolved,* That as Alabamians we will ever cherish his memory with grateful feelings for his useful and exemplary life and his true devotion to the interest of the State, and with a deep sense of our loss by his death.

Adopted.

The House resumed the consideration of the joint resolutions proposing an amendment to the Constitution providing for the reduction of the number of square miles in a county, and the question being upon ordering the joint resolutions to be engrossed for a third reading, and the yeas and nays were called.

Yeas—Messrs. Beavers, Bishop, Bradley, Burgess, Cunningham, Curry, Davis, Dawson, Echols, Garlick, Graham, Grubbs, Jackson, King, Larkins, Little, Lockett, Maples, Menasco, McMullen, Moragne, Nabors, Nicholson, Odom, Owen, Peldy, Pryor, Pynes, Remson, Sanford, Shackelford, Sheffield, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Ward, of Dale, Winston, Wood—40.

Nays—Messrs. Speaker, Acree, Barry, Battle, Bernhard, Beck, Belser, Brown, of Marion, Brown, of Tuscaloosa, Byrne, Camp, Carpenter, Chapman, Clanton, of Sumter, Crawford, Critcher, Ellis, of Blount, Fowler, Galloway, Gilmore, Goode, Haden, Hancock, Howard, Hobbs, Jones, Jay, Kirkland, Lynch, McBride, McClanahan, McConnell, Milligan, Miree, Pennington, Portis, Powell, Reid, Rice, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Thornton, Thorn, Towles, White, Williams, Withers, Wright and Woolsey—52.

The House refused to order the joint resolution to be engrossed for a third reading.

Message from the Governor.

Mr. Speaker :

The Governor has approved a bill to be entitled an act authorizing the Clerk of the City Court of Mobile to issue attachments.

J. D. CATLIN, JR.,

Private Secretary.

Mr. Jackson moved to suspend the orders of the day to allow time to introduce resolutions.

The motion prevailed.

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House on Friday next at 12 o'clock, for the purpose of electing an Attorney General, Adjutant and Inspector General, and Quarter Master General.

Mr. Jay :

To amend by adding Chancellor of the Northern Division, and the different Solicitors, and the amendment was laid on the table, and the resolution adopted.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

The bill to alter and amend the charter of the town of Eu-  
faula.

The bill to amend an act entitled an act to incorporate the  
Tennessee and Coosa Railroad Company.



A bill to repeal all laws and parts of laws incorporating the town of Russellville in the county of Franklin.

A bill to increase the amount of tax on peddling in the county of Pike.

A bill to incorporate the Manchester and Alabama Railroad.

Message from the Senate :

Mr. Speaker :

The Senate has passed bills of the following titles from the House :

To repeal an act therein named, and for other purposes.

To authorize the Administrator of Jesse Taylor, of Talladega county, to sell the real estate on a longer credit than 12 months.

To authorize the Sheriff of Blount county to execute constable duty in civil cases.

To regulate the summoning of Jurors in the county of Marshall.

To amend the several acts incorporating the town of Tusculumbia, in Franklin county, approved 3d February, 1854.

For the relief of John Wilson and Charles P. Samuel.

To locate permanently the seat of Justice in the county of Marion.

To repeal an act requiring Justices of the Peace of Lawrence county, in their respective elective beats, to act as apportioners and supervisors of roads, and other purposes.

To divorce Gabriel Lovvom from his wife Mary Lovvom.

To extend the time of holding the Circuit Courts in the county of Greene.

The Senate has originated and passed bills of the following titles :

A bill making an appropriation to pay Edmond Rieves, Jailor of Jackson county, for victualing a person confined in the jail of said county.

A bill to authorize the Clerks of the Circuit Court of Hancock and Dale counties longer time within which to issue executions.

Engrossed bills :

To change the laws in relation to county surveyors and coronors in the county of Dale.

To amend section 3860 of the Code.

To amend section 1872 of the Code.

To regulate the grand and petit jurors in the county of Walker and for other purposes.

Were severally read the third time and passed.

The engrossed bill to compensate defendants' witnesses in prosecutions against slaves, was read third time, and, on motion of

Mr. Smith, of Franklin, ordered to lie on the table.

The engrossed bill authorizing the court of county commissioners of Limestone county, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, was read third time, and pending the passage of the bill,

The House adjourned until to-morrow morning 10 o'clock.

FRIDAY MORNING, November 30, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Blue.

Mr. Garlick asked leave of absence for his colleague, Mr. Dawson. Granted.

Mr. Moragne introduced a bill to be entitled an act for purposes therein named.

Mr. Thorn introduced a bill to increase the pay of county commissioners in the county of Franklin.

Mr. Echols introduced a bill to authorize the process of garnishment in certain cases.

Mr. Nabors introduced a bill to exempt certain property from levy and sale by execution.

Mr. McClanahan introduced a bill exempting citizens of the town of Columbiana from working on roads, except within the corporate limits thereof.

Mr. Beavers introduced a bill to repeal an act therein named.

Mr. Beck introduced a bill to change the time of holding the Chancery Court of Wilcox county.

Mr. Sheffield introduced joint resolutions proposing to amend the Constitution so as to extend the jurisdiction of Justices of the Peace in civil cases, and make affrays and assaults and batteries triable before them exclusively.

Which bills and joint resolutions were severally read and ordered to a second reading.

Mr. Pynes introduced a bill in relation to burning the woods in the county of Henry, was read, constitutional rule was suspended, and the bill read second time, and referred to a special committee composed of the delegation from Dale, Henry and Conecuh.

Mr. Howard presented the petition asking for the amendment of the Code in reference to liens on steamboats, which was referred to the committee on Propositions and Grievances.

Mr. Smith, of Randolph, presented the petition of David A. Perryman, and was referred to the committee on Ways and Means.

Mr. Garlick presented the petition of Edmond F. Graffin-reid, asking remuneration for attending on small pox cases in Russell county, which was referred to a select committee composed of the delegation from Russell and physicians of the House.

Reports from standing committees :

Mr. Rice, from the committee on Banks and Banking, to which was referred a bill to be entitled an act to incorporate the Western Bank of Alabama, have had the same under consideration, and have instructed me to report the following amendment, to-wit :

Strike out the word "Tuscaloosa" in the third line, first section of said bill, and thus amended recommend its passage, and the amendment was concurred in.

Mr. Cochran moved that the further consideration of the bill be postponed until Monday, the 9th day of December, and made the special order for 11 o'clock, which motion prevailed.

Mr. Rice, from the same committee, to which was referred a bill to be entitled an act to incorporate the Commercial Bank of Alabama, have instructed me to report the same back to the House without amendment, and ask to be discharged from the further consideration thereof.

Mr. Rice, from the same committee, to which was referred the report of the Commissioners to examine the Bank of Mobile, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that 133 copies be printed for the use of the House.

Mr. Rice, from the same committee, to which was referred the report of the commissioners appointed to examine the Southern Bank of Alabama, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that 133 copies be printed for the use of the House. Concurred in.

Mr. Curry, from the committee on Internal Improvements, to whom was referred the bill to amend a certain act therein named, have considered the same, and instructed me to report it back without amendment, and recommend its passage.

The bill was read third time and passed.

Mr. Jackson, from committee on Ways and Means, to which was referred a bill to consolidate the offices of tax collectors and assessors for the county of Hancock, have had the same

under consideration, and report it back to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Portis, from the committee on Enrolled Bills, to which was referred a bill to enlarge the Winter term of the Chancery Court of the 29th District of the Northern Division of the State of Alabama, have examined the same, and report the bill correctly enrolled.

Mr. Nabors, from the committee on Divorce and Alimony, to which was referred sundry records of divorce, have had the same under consideration, and report the following bill :

To divorce Caroline Brennan from her husband John E. Brennan, and other persons therein named.

And the bill was read first time, and constitutional rule being suspended, was read second and third time and passed by a constitutional majority. Yeas 74 ; nays 9.

Those who voted in the affirmative are *Messrs.* Speaker, Acree, Alford, Barry, Battle, Bernhard, Beck, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Cochran, Crawford, Critcher, Cunningham, Echols, Ellis, of Blount, Galloway, Garlick, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Miree, Moorcr, Nabors, Nicholson, Odom, Owen, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Shackelford, Sheffield, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Ward, of Dale, White, Williams, Winston. Wright, Woolsey. — 74.

Those who voted in the negative are *Messrs.* Beavers, Bishop, Curry, McMullen, Moragne, Sanford, Smith, of Franklin, Smith, of Lauderdale, Withers—9.

Mr. Nabors from the same committee, to which was referred sundry records of divorce, have considered the same, and reports the following bills :

To divorce Thomas D Broadway from his wife R. Minty Broadway ;

To divorce Susannah Caple from her husband Samuel Caple, and other persons therein named ;

To divorce Mary E. Gunn from her husband Rufus Gunn, and other persons therein named ;

Were severally read first time, and ordered to a second reading.

Mr. Nabors from the same committee, to which was referred

the petition of Eliza Jane Wood, have considered the same, and report the following bill and recommend its passage :

To make Eliza Jane Wood, of the county of Monroe, a free dealer, which was read and ordered to a second reading.

Mr. Pryor from Judiciary committee, to which was referred the petition of Jennette C. Todd, of the county of Clarke, have had the same under consideration and report the same back to the House with the accompanying bill and recommend its passage.

A bill for the relief of Jennette C. Todd.

The bill was read and ordered to a second reading.

Mr. Beck, from Judiciary committee, to which was referred the resolution to inquire into the expediency of compelling by law, owners of slaves to keep a white person on their plantation or at their negro quarters, have considered the same and report that it is in the opinion of the committee inexpedient to legislate on the subject.

Mr. Woolsey, moved to recommit the report and resolution to Select committee, to be composed of nine Planters of the House,

Which motion prevailed.

Mr. Shackelford, from Select committee, to which was referred the bill to establish a board of Physicians in the county of Shelby, have considered the same and report the bill to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Reid, from Select committee, to which was referred the bill to increase the fees of Jailors and to amend Section 3992 of the Code, report the bill to the House without amendment and recommend its passage.

Pending the question, the House took an informal recess, preparatory to going into the election of various officers.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved*, That the two Houses will assemble in the Hall of the House of Representatives, to-day at 12 o'clock *M.*, for the purpose of going into the election of Chancellor of the Northern Division of the State of Alabama, and also Solicitors for the first and second Circuits.

The Senate concurs in the resolution, proposing to go into the election of Attorney General, Adjutant General, Inspector General and Quarter Master General this day at 12 o'clock, *M.*

The House concurred in the resolution of the Senate.

*Mr. Curry*, made the following motion.

When this House adjourns, it shall adjourn to meet at 3 o'clock, P. M.

Lost.

The Senate appeared within the hall of the House at the hour of 12 o'clock, M., and in joint convention proceeded to the election of Attorney General.

M. A. Baldwin, alone being in nomination and having received all the votes cast, one hundred and five, was declared by Mr. Speaker to be duly and constitutionally elected for the term prescribed by law.

The House then proceeded to the election of Adjutant and Inspector General.

Thomas C. McIver, alone being in nomination and received all the votes cast, eighty-eight, was declared duly and constitutionally elected for the term prescribed by law.

The convention then proceeded to the election of Quarter Master General.

P. H. Brittan, alone being in nomination and having received all the votes given, seventy-three, was declared by Mr. Speaker, to be duly and constitutionally elected for the term prescribed by law.

The convention proceeded to the election of Chancellor of the Northern Division.

Mr. John Foster, being alone in nomination and having received all the votes cast, eighty-nine, except Mr. Brown, of Marion, who voted for Mr. Smith, of Franklin. Mr. Speaker, declared him duly and constitutionally elected Chancellor of the Northern Division.

The convention then proceeded to the election of Solicitor, for the first Judicial Circuit.

Young L. Royster, being alone in nomination and received all the votes cast, ninety-seven, except Mr. Beavers, who voted for Mr. Menasco. Mr. Speaker, declared him duly and constitutionally elected Solicitor for the first Judicial Circuit.

The convention proceeded to the election election of Solicitor for the second Judicial Circuit.

Mr. Richeburge Garlyard, alone being in nomination and having received ninety-five votes. Mr. Haralson, received the votes of Messrs. Belser, Echols and Jay, Mr. Speaker, declared him duly and constitutional elected Solicitor of the second Circuit, for the term prescribed by law.

The Senate withdrew to their chamber.

Mr. Chapman, moved to suspend the orders of the day, he might introduce a resolution.

The House refused to suspend.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed bills of the following titles.

A bill for the relief of James M. Peddy, of Fayette county.

To change the name of Bascom Female Institute at Huntsville.

To renew the loan of the Mobile and Ohio Railroad Company.

To repeal Section 4, of an act to amend an act entitled an act to incorporate the Coosa and Chattanooga Railroad Company.

To amend the Estray laws.

To amend the charter of the town of Marion, in the county of Perry.

The Senate has also passed House bills of the following titles.

To regulate the drawing and paying Grand and Petit Jurors in the county of Hancock.

To prevent the hunting of wild hogs in the county of Greene.

To fix the pay of Probate Judges and Sheriffs of Fayette county.

To regulate Patrol duty in precinct No. 3, in Tuskaloosa county.

To authorize the qualified voters of Tuskaloosa county, to elect the Treasurer of said county.

To extend the jurisdiction of the Probate Judges of Greene county.

To divorce certain persons therein named.

The House resumed the consideration of the bill to authorize the Commissioners Court of Limestone county, to subscribe to the Capital Stock of the Tennessee and Alabama Central Railroad Company : the question being upon the passage of the bill.

House adjourned until to-morrow morning 10 o'clock.

SATURDAY MORNING, December 1, 1855.

House met pursuant to adjournment.

Prayer by Rev. Mr. Norton.

Mr. Jackson, asked leave of absence for Mr. Peddy.

Mr. Brown, leave for Mr. Shackleford.

Mr. Nabors, for Mr. Carpenter.

Which were severally granted.

Mr. Speaker, laid before the House a communication from the Secretary of State.

To the Honorable, the Senate and House of Representatives of the State of Alabama.

Gentlemen :

For reasons which is not necessary to mention, I beg leave most respectfully to resign the office of Secretary of State, to take effect on the 15th day of June next.

I have the honor to be,

Most respectfully,

Your obedient servant,

V. M. BENHAM.

Mr. Speaker, laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony.

Mr. Cochran, announced the presence of Mr. Rhodes, from Pike ; he was qualified and took his seat.

Mr. Speaker, announced the Select committee, to which was referred the resolution and report of the Judiciary committee, to inquire into the expediency of requiring white persons to reside on their plantations or at their negro quarters, Messrs. Woolsey, Maples, Smith, of Lauderdale, Smith, of Franklin, Menasco, Jones, Little, Williams and Kirkland.

Mr. Cochran, presented the petition of Thomas Locke, Sheriff of Barbour county, and John R. Robertson and G. W. Carriker.

Mr. Garleck, presented the petition of William Davis, Clarke Aldrige and Daniel W. Floyd, commissioners of free public schools of Township 19, Range 28 in Russell county, which were severally referred to committee on propositions and grievances.

Mr. Jackson, moved to suspend the call of the county with the view of taking up the orders of the day and the motion prevailed.

Engrossed Bills :

The House then resumed the consideration of the bill to authorize the Court of county commissioners of Limestone, to subscribe to the Capital stock of the Tennessee and Alabama Central Railroad Company.

The question being upon the passage of the bill and the yeas and nays were called.

Yeas—Mr. Speaker, Acree, Barry, Battle, Bernhard, Beck, Belser, Brown, of Marion, Brown, of Tuscaloosa, Browder, Burgess, Byrne, Camp, Clanton, of Sumter, Cochran, Cunningham, Curry, Echols, Ellis, of Blount, Fowler, Galloway.



Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Larkins, Little, Maples, McBride, McClanahan, Miree, Nabors, Nicholson, Odom, Powell, Pryor, Pynes, Reid, Rhodes, Smith, of Franklin, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Thornton, Thorn, Ward, of Dale, White, Williams, Winston, Withers, Wright and Woolsey.—61.

Nays—Messrs. Alford, Beavers, Bishop, Bradley, Critcher, Garleck, Jackson, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Moragne, Moorner, Pennington, Portis, Remson, Rice, Sanford, Sheffield, Smith, of Lauderdale, Taylor, of Chambers, Taylor, of Coosa, Towles.—26.

The bill passed.

The bill to regulate the summoning of Jurors in the county of DeKalb.

The bill for the relief of Elusa J. Grier. of the county of Tallapoosa.

The bill to reduce the ex-officio fees of Judges of Probate, Circuit Clerks and Sheriffs in the county of Walker, were severally read third time and passed.

The joint resolutions proposing an amendment to the Constitution in relation to divorces, were read third time and on motion of

Mr. Belser, laid on the table.

The yeas and nays were called.

Yeas—Mr. Speaker, Acree, Alford, Barry, Bernhard, Belser, Bradley, Browder, Byrne, Camp, Cochran, Cunningham, Curry, Davis, Fowler, Garleck, Gilmore, Goode, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Kirkland, Lynch, Maples, McBride, McClanahan, McConnell, Milligan, Miree, Moorner, Nabors, Nicholson, Odom, Pennington, Portis, Powell, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Towles, Withers, Wright and Woolsey.—68.

Nays—Messrs. Beavers, Beck, Bishop, Brown, of Marion, Brown, of Tuskaloosa, Clanton, of Sumter, Crutcher, Echols, Ellis, of Blount, Galloway, Graham, Lockett, Menasco, Moragne, Smith, of Randolph, Staton.—17.

Message from the Senate by Mr. Taul.

*Resolved*, That with the concurrence of the House, the two Houses will meet in convention in the hall of the House of Representatives, to-day at the hour of 12 o'clock, *M.*, for the purpose of electing a Solicitor for the third Judicial Circuit.

*Mr. Jackson*, moved to take up the order of the day, to allow him to make a motion to take up the *Message* from the Senate just read.

*Motion prevailed.*

*Mr. Reid*, moved to amend.

*Mr. Jackson*, to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown, of *Marion*, Camp, Cochran, Crutcher, Curry, Davis, Echols, Ellis, of Blount, Fowler, Galloway, Garleck, Goode, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Moragne, Nabors, Pennington, Portis, Pynes, Remson, Rice, Sanford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Towles, Ward, of Dale, Withers.

51.

Nays—Messrs. Barry, Byrne, Cunningham, Gilmore, Grubbs, Jay, McBride, McClanahan, Miree, Moorer, Nicholson, Odem, Reid, Rhodes, Smith, of Franklin, Smith, of Mobile, White, Wright and Woolsey.—19.

The resolution of the Senate was then concurred in.

The Senate bills to authorize James B. Martin, Jr., to practice law in the several counties of this State.

To incorporate the Florence Synodical Female College.

To authorize the Court of County Commissioners of Greene county, to appropriate a part of the fine and forfeiture money or fund, to the erection of a fire proof office, for the Probate Court of said county.

To authorize the pay of Jurors in the counties of Autauga, Montgomery and other counties.

To incorporate the Huntsville Hotel Company.

Were severally read a third time and passed.

Senate bills :

To fix the pay of Judges of Probate and Sheriffs of Fayette county.

To create the office of Assistant county Surveyor for the county of *Marion*.

To authorize the Probate Court of Chambers county, to grant letters of Administration on the estate of W. H. Adkins, deceased, late of the county of Tallapoosa.

Were severally read second time and ordered to a third reading.

Senate bill for the relief of Edward Baily, was read second

time and amended, and referred to the committee on Judiciary.

House bills for the benefit of certain negroes therein named, was read second time and referred to the Judiciary committee.

To change the manner of appointing overseers of roads in Marion and Walker counties.

To authorize the completion of the final records of the Circuit Court of the county of Marion.

To incorporate the *Medical College at Mobile*.

To divorce John Sullivan from his wife Sarah Sullivan.

To divorce Mary J. Sanderson from her husband Alexander J. Sanderson.

To divorce Daniel Cannon from wife Jane Cannon.

Were severally read the second time and ordered to be engrossed.

A bill to incorporate the Mobile Transportation and Insurance Company, was read second time and referred to the committee on Corporations.

A bill to consolidate the offices of Tax Collector and Assessor, was read second time and referred to the committee on Ways and Means.

The House then took an informal recess, preparatory to going into the election for Solicitor of the third Circuit.

House met and the roll called.

Mr. Belser, moved to suspend the orders of the day to introduce a resolution.

Lost.

The hour of 12 o'clock, having arrived, the Senate appeared within the hall of the House, for the purpose of electing a Solicitor for the third Circuit.

The two Houses in joint convention proceeded to ballot.

Messrs. L. V. B. Martin and Jack being in nomination.

Those who voted for Mr. Martin, are Messrs. President, Abernathy, Acklin, Bacon, Bethea, Bradford, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, and Wilson, of Pickens, of the Senate.—22.

Mr. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Ellis, of Blount, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell,

Milligan, Moragne, Nabors, Pennington, Portis, Pryor, Pynes, Remson, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Staton, Sykes, Taylor of Chambers, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, Williams, Withers and Woolsey, of the House.—62—22: 87.

Mr. Webb, of the Senate voted for Mr. Jack.

Messrs. Fowler, Jay, Nicholson and Rhodes, of the House, voted for Mr. Jack.—4.

Mr. Martin, having received eighty-seven votes, Mr. Speaker, declared him duly and constitutionally elected Solicitor for the third Circuit, for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. Curry, moved to suspend the orders of the day, to allow him to offer a resolution.

Mr. Chapman, called for the yeas and nays on the motion to suspend.

Yeas 38, nays 36.

Yeas—Messrs. Beavers, Beck, Belser, Bishop, Bradley, Chapman, Curry, Ellis, of Blount, Fowler, Garleck, Goode, Haden, Hancock, Jay, Jones, Kirkland, Little, Maples, Menasco, McClanahan, McConnell, Miree, Moragne, Moorcr, Nabors, Portis, Pynes, Reid, Sanford, Smith, of Randolph, Staton, Thorn, Ward, of Dale, Williams, Withers Wright.—38.

Nays—Mr. Speaker, Acree, Alford, Bernhard, Brown, of Marion, Brown, of Tuskaloosa, Burgess, Byrne, Camp, Cochran, Critcher, Davis, Graham, Grubbs, Howard, Jackson, King, Lockett, McBride, Milligan, Nicholson, Odem, Pennington, Powell, Pryor, Remson, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Towles and Woolsey.—36.

*Resolved*, That when the House adjourns to-day, it adjourns to meet at 3 o'clock, P. M.

Mr. Jackson, moved to lay the resolution on the table and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Bernhard, Brown, of Marion, Brown, of Tuskaloosa, Burgess, Byrne, Camp, Clanton, of Sumter, Cochran, Critcher, Davis, Echols, Galloway, Gilmore, Goode, Graham, Grubbs, Hobbs, Howard, Jackson, King, Little, McBride, Milligan, Moragne, Nicholson, Odom, Pennington, Powell, Pryor, Remson, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Withers and Woolsey.—46.

Nays—Messrs. Beavers, Beck, Belser, Bishop, Bradley,

Browder, Cunningham, Curry, Ellis, of Blount, Fowler, Garleck, Haden, Hancock, Jay, Jones, Kirkland, Lockett, Lynch, *Maples*, *Menasco*, *McClanahan*, *McConnell*, Miree, *Moorer*, Nabors, Portis, Pynes, Reid, Rhodes, Sanford, Smith, of Randolph, Sykes, Thornton, Thorn, Ward, of Dale, White, Williams and Wright.—31.

Mr. Thornton, moved to adjourn until 10 o'clock Monday and the yeas and nays were called.

Mr. Reid, offered the following amendment.

*Resolved*, That to more speedily dispose of the business of this General Assembly, upon each day hereafter, Sundays excepted, there shall be held two Sessions of this House, which shall begin at the following hours, 10 o'clock, A. M. and at 3 o'clock, P. M.

Yeas on Thornton's motion to adjourn.

Messrs. Bernhard, Brown, of Tuscaloosa, Camp, Cochran, Critcher, Cunningham, Galloway, Grubbs, Howard, Little, Lockett, McBride, Moragne, Nicholson, Odom, Pennington, Powell, Remson, Rice, Sheffield, Smith, of Franklin, Smith, of Mobile, Taylor, of Coosa, Thornton, Withers and Woolsey.—26.

Nays—Messrs. Speaker, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown, of Marion, Browder, Burgess, Pynes, Chapman, Clanton, of Sumter, Curry, Davis, Echols, Ellis, of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Haden Hancock, Hobbs, Jackson, Jay, Kirkland, Lynch, *Maples*, *Menasco*, *McClanahan*, *McConnell*, Milligan, Miree, *Moorer*, Nabors, Portis, Pryor, Pynes, Reid, Rhodes, Sanford, Smith of Lauderdale, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Thorn, Towles, Ward, of Dale, White, Williams and Wright.—55.

Lost.

Mr. Echols :

To suspend orders of the day, to allow him to introduce a bill.

Mr. Echols, introduced a bill to authorize all Tax Collectors to receive all solvent bills of the State Bank and its Branches, together with all other Bank bills that is at par in the city of Montgomery, for Taxes due said State and counties, which was read and ordered to a second reading.

Joint resolutions proposing to amend the Constitution of the State of Alabama, providing for the election of Judges of Supreme Courts, Chancellors, Solicitors, Secretary of State, Comptroller and Treasurer, by the vote of the people.

Mr. Critcher, moved to lay the Joint resolutions on the table, and the motion prevailed.

Yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Beck, Belser, Bishop, Brown, of Marion, Burgess, Camp, Cochran, Critcher, Curry, Davis, Echols, Ellis, of Blount, Fowler, Galloway, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Kirkland Larkins, Little, Lockett, Lynch, Maples, McBride, McClanahan, McConnell, Milligan, Miree, Moorer, Nabors, Odom, Powell, Pynes, Reid, Remson, Rice, Rhodes, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Taylor, of Coosa, Thornton, Towles, Ward, of Dale, White, Withers, Williams and Woolsey—63.

Nays—Messrs. Speaker, Bradley, Brown, of Tuscaloosa, Browder, Byrne, Chapman, Cunningham, Menasco, Moragne, Nabors, Sanford, Smith, of Randolph, Sykes, Thorn, and Wright—15.

Mr. Cochran moved to suspend the orders of the day to allow Mr. Belser, from the Judiciary committee, to make a report.

Motion prevailed.

Mr. Belser, from the Judiciary committee, to which was referred the resolution requesting them to take into consideration the propriety of the call for a convention of the people of this State to revise the Constitution thereof, and also a set of joint resolutions proposing a call of a convention of the State of Alabama, in response to both propositions, have instructed me to report back to the House both resolutions without amendment, and recommend their passage by this House.

Mr. Belser moved the further consideration of the subject be postponed until Thursday next, 6th December, and he made the special order for 11 o'clock on that day.

Mr. Brown, of Marion:

To postpone until first of January, which motion was lost.

The question then being upon Mr. Belser's motion, which prevailed.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, December 3, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Speaker laid before the House sundry records of Di-

voice, which were referred to the committee on Divorce and Alimony.

Mr. Speaker laid before the House the report of the Trustees of the University of Alabama, which was referred to the committee on the University.

Mr. Cochran introduced a bill to shorten the session of the Legislature one month, which was read, and the constitutional rule being suspended, was read second time, and referred to the committee on Judiciary.

Mr. Bernhard presented the petition of Martin Peter and James Steel, which was referred to the committee on Sixteenth Sections.

Mr. Milligan introduced a bill to change the name of certain persons therein named, and for other purposes.

Mr. Winston introduced a bill authorizing a loan to the Wills Valley Railroad Company.

Mr. Belser introduced a bill to authorize an increase tax on the Retailors in the the city of Montgomery.

Mr. Rice introduced a bill to make Franky Preston, of Morgan county, a free dealer.

Mr. McClanahan introduced a bill to allow constables to have deputies.

Mr. Beavers introduced a bill to regulate Sheriffs' and Coronors' sales in the county of St. Clair.

Mr. Bishop introduced a bill for the relief of Thos. Long, of Talladega county,

Mr. Powell introduced a bill to amend section 2447 of the Code of Alabama.

Mr. Beck introduced a bill to authorize the burning of certain Bank notes of the State Bank and Branches.

Which bills were severally read and ordered to a second reading.

Mr. Graham introduced the petition of Michael Pevy and others, of Coosa county.

Also, introduced a bill to incorporate and aid the Alabama Female Infirmary, which was read, and constitutional rule being suspended, was read second time and referred to the committee on Propositions and Grievances.

Mr. Woolsey introduced a bill to change the name of Sarah Cone, which was read, and constitutional rule being suspended, was read second time and referred to the committee on divorce and Alimony.

Mr. Ellis, from Benton, took the oath of office, and entered upon his duties as a member of the Legislature.

Mr. Pynes introduced a bill to regulate the survey of cer-

tain lands in Henry county, which was read, and constitutional rule being suspended, was read second time and referred to Judiciary committee.

Mr. Chapman moved to suspend the call of the counties, to allow him to introduce a resolution.

Motion prevailed.

*Resolved*, That the Judiciary committee be instructed to enquire into the expediency of changing the statutes of limitations and of non-claim, so that in all civil suits brought by non-residents against citizens of this State, the defendants may have the benefits of the statutes of limitations or non-claim of the State non-resident plaintiff or the person having the beneficial interest in such claim may reside.

Adopted.

Mr. Withers introduced a bill to enable the next kin of Henry Miller to inherit his estate, &c.

Which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on Judiciary.

Mr. Howard presented the petition of Stephen Swain, asking compensation for arresting one Joseph Bolles, which was referred to committee on Propositions and Grievances.

Mr. Belser introduced a bill to appoint a person to act as the private Secretary of the Governor and as Police officer for the State Capitol, which was read, and constitutional rule being suspended, was read second time and referred to the committee on State Capitol.

Also, a bill to prevent more effectually the commission of offences of burglary and theft in this State, which was read, and constitutional rule being suspended, the bill was read second time and referred to the committee on Judiciary.

Mr. Reid introduced a bill to authorize the Judges of the Circuit Courts to correct erroneous entries made upon the dockets of the Circuit Courts, which was read, and constitutional rule being suspended, was read the second time and referred to the Judiciary.

Mr. Nabors introduced a bill to establish a Medical Board in the county of Pickens, which was read and ordered to a second reading.

Mr. Nabors presented the petition of Benjamin West, late tax collector of Pickens county, which was referred to the committee on Propositions and Grievances.

Mr. Gilmore introduced a bill to incorporate the Gainsville Insurance Company, which was read, and constitutional rule



being suspended, was read second time and referred to committee on corporations.

Mr. Remson introduced a bill to amend an act entitled an act to establish and maintain a system of free public schools in Alabama, which was read, and constitutional rule being suspended, was read second time and referred to the committee on Education.

Mr. Brown, of Tuskaloosa, introduced a bill to change the educational age in the system of free public schools in Alabama, which was read, and constitutional rule being suspended, was read second time and referred to the committee on Education.

Mr. Powell presented a memorial, which was referred to the Judiciary committee.

Mr. Beck introduced a bill for the relief of the heirs and purchasers of the estate of Arthur Fant, deceased, which was read, and constitutional rule being suspended, was read second time and referred to the committee on Judiciary.

Reports from standing committees :

Mr. Cochran, from Judiciary committee, to which was referred a bill to authorize Justices of the Peace to have certain attachments executed, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred a bill to authorize the Attorney General to file a writ of *quo-warrant* against a certain corporation therein named, have considered the same, and instruct me to report that section 2652 of the Code makes it the duty of the Judge of the Circuit Court to order the proceedings provided for in the bill, and asked to be discharged from the further consideration of the same.

The report was concurred in, and the bill laid on the table.

Mr. Cochran, from the same committee, to which was referred a bill to change the mode of assessing the taxes in Butler county, report it back to the House, and ask its reference to the committee on Ways and Means, which was concurred in.

Mr. Cochran, from the same committee, to which was referred bills to regulate the pay of Justices and Constables in criminal cases, and the petition of W. B. Hughes, asking for protection on carriage and coach manufacturers, reported adversely thereto, and the report was concurred in.

Mr. Pryor, from the same committee, to which was referred

the resolution instructing the committee to enquire into the expediency of changing the time of the meeting of the General Assembly from biennial to annual sessions, limiting the session to thirty days, have had the same under consideration, and instruct me to report the same back to the House, with the accompanying bill, and recommend its passage, in which they ask the concurrence of the House.

A bill, establishing annual sessions of the Legislature, fixing the commencement and limiting the time thereof, which was read and ordered to a second reading.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to exempt from levy and sale one female slave, with her future increase, for the benefit of each family in this State, as amended by the Judiciary committee and the House, by striking out future increase, and the question being upon ordering the bill to be engrossed for a third reading.

Mr. Critcher moved to amend by striking out all after the enacting clause, and insert the following :

That from and after the passage of this act, in addition to the property now exempt from levy and sale, one slave, either male or female, may be permanently retained for the use of each family in this State, exempt from levy and sale, by any legal process.

The amendment was laid on the table.

Mr. Menasco then offered the following amendment :

*Be it further enacted*, That in addition to the property now exempt from levy and sale, under any process of law, there shall be exempt five hundred dollars' worth of property of any species, to be selected by the head of said family.

Mr. Belser moved to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Alford, Barry, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Burgess, Camp, Clanton, of Montgomery, Crawford, Cunningham, Davis, Ellis, of Blount, Ellis, of Benton, Fowler, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Little, Locket, Maples, M<sup>r</sup> Bride McClanahan, Milligan, Miree, Moragne, Nabors, Nicholson, Odom, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford. Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Ward, of Dale, White, Williams, Winston, Withers and Woolsey—67.

Nays—Messrs. Acree, Chapman, Critcher, Curry, Galloway, Graham, Lynch, Menasco and Towles—9

Mr. Menasco moved the indefinite postponement of the bill.

Yeas and nays called.

Yeas—Messrs. Speaker, Acree, Alford, Battle, Beavers, Beck, Bishop, Bradley, Brown, of Marion, Brown, of Tuskalooza, Byrne, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis, of Bount, Ellis, of Benton, Galloway, Gilmore, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Manasco, McBride, McClanahan, McConnell, Miree, Moorer, Nabors, Odom, Pennington, Powell, Pynes, Remson, Sanford, Smith, of Franklin, Staton, Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, White, Williams, Winston, and Wright—60.

Nays—Messrs. Barry, Bernhard, Belser, Browder, Camp, Clanton, of Montgomery, Cunningham, Fowler, Grubbs, Howard, Jay, Milligan, Nicholson, Portis, Pryor, Reid, Rhodes, Rice, Sheffield, Smith, of Lauderdale, Smith, of Mobile, Withers, and Woolsey—23.

The bill was indefinitely postponed.

Mr. Jay moved to suspend orders of the day to introduce a resolution.

The House refused to suspend.

Mr. Jay, from the Select Committee, to which was referred a bill in relation to the burning of the woods in the county of Henry, have considered the same, and instruct me to report a substitute thereto, and recommend its passage.

The substitute was adopted and ordered to be engrossed.

Mr. Powell gave notice that on to-morrow he would move the adoption of the following resolution :

*Resolved*, That hereafter this House will meet at 10 o'clock, A. M., and 3 o'clock, P. M., until otherwise ordered.

Mr. Beck :

To suspend orders of the day, to allow reports from standing committees.

Which motion prevailed.

Mr. Beck, from committee on Corporations, to which was referred a bill to revise an act therein named, and for other purposes, have considered the same, and report it back to the House, and recommend its passage.

The bill was ordered to be engrossed.

Mr. Beck asked leave of absence for Mr. Smith, of Randolph.

Mr. Gilmore leave of absence for Mr. Clanton, of Sumter. Granted.

Mr. Belser :

To suspend orders of the day. Lost.

Mr. Taylor, of Chambers :

To suspend orders of the day to allow reports. Lost.

Engrossed Bills

To establish a Board of Physicians in the county of Shelby.

To consolidate the offices of tax assessor and tax collector for the county of Hancock.

To authorize the completion of the final records of the Circuit Court of Madison.

Which were severally read third time and passed.

A bill to amend section 2260 of the Code.

For the better protection of male minors in this State.

To allow Executors and Administrators discretionary powers in certain cases.

To re-index the Code of Alabama.

For the relief of indigent families in this State.

To repeal a certain part of the 4th division of section 2462 of the Code.

Were severally read second time, and referred to Judiciary committee.

To authorize Charles Dear to erect gates across a certain road therein named.

To authorize Thomas Thorn and sons, of Franklin county, to erect a certain dam therein named, which was read second time, and referred to the committee on Roads, Bridges and Ferries.

A bill to declare Ama Allen and Jane Chumtyberge free dealers, was read second time and referred to committee on Divorce and Alimony.

To regulate the fees of Probate Judges of Cherokee county in issuing marriage license, constitutional rule was suspended, and the bill read third time and passed.

The House then adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, December 4, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Chapman moved to suspend the call of the counties that he might introduce a resolution, which motion prevailed.

*Resolved*, That the committee on State Capitol be instructed to prepare and report a bill which shall effectually provide

for the care and preservation of the State Library and State Archives, which was adopted.

Mr. Speaker laid before the House the census report from Monroe county, which was referred to the committee on Census.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved*, That the two Houses will assemble in the Hall of the House to-day at the hour of 12, M., for the purpose of electing Solicitors for the 4th, 5th and 6th Judicial Circuits of the State of Alabama.

Mr. Smith, of Lauderdale, moved to suspend the call of the counties, with the view of taking up the message of the Senate.

The motion prevailed, and the House concurred in the Senate's resolution.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony.

Mr. Bradley introduced a bill to reduce the compensation of Commissioners of Roads and Revenue in the county of Cherokee.

Mr. Milligan introduced a bill to authorize the Governor to issue a patent to certain lands therein named.

Mr. English introduced a bill to incorporate the Fulton Male and Female Academy in Dallas county.

Also, to incorporate the town of Fulton in Dallas county.

Mr. Maples introduced a bill to make Margaret Butler, of Jackson county, a free dealer.

Mr. Echols introduced a bill to authorize Joseph Haghey, Administrator of Samuel B. Jordan, deceased, to move his administration from Pike to Macon county.

Mr. Pryor introduced a bill to amend an act, approved February 15, 1854, and to extend jurisdiction of the Probate Court of the several counties of this State.

Mr. Echols :

A bill to make Malinda Ann Malone, of Macon county, a free dealer.

Mr. Gilmore :

A bill to make Sarah Ann McBride, of Sumter county, a free dealer.

Mr. Lynch :

Joint resolutions to authorize a loan of muskets to the Re-hobeth Male Academy.

Which were severally read and ordered to a second reading.

*Mr. Cochran :*

A bill to enforce the rights of the State of Alabama against her enemies, which was read, and constitutional rule being suspended, was read second time, and, on motion of Mr. Powell, 133 copies ordered to be printed; and the bill referred to the committee on Federal relations.

Mr. Milligan introduced a bill to increase the pay of Judges of the 2d, 8th and 9th Judicial Circuits of this State, which was read.

Mr. Milligan moved to suspend constitutional rule, which motion was lost, and the House refused to order the bill to a second reading.

Mr. Cochran moved to reconsider the vote refusing the bill a second reading.

The House refused to reconsider.

Mr. Goode presented the petition of John R. Brumpus and D. D. Daffin and others, which was referred to the Judiciary committee.

Mr. Graham presented the petition of Joseph H. Bradford and others, of Coosa county, to prevent the sale of ardent spirits in Beat No. 8, in said county, which was referred to the committee on Propositions and Grievances.

Mr. Woolsey presented the petition of Mr. S. Albright, which was referred to the committee on Accounts.

Mr. Echols introduced a bill to incorporate the Tuskegee Insurance Company, which was read, and constitutional rule being suspended, was read second time and referred to committee on Corporations.

Mr. Haden introduced a bill relating to the Probate Courts of this State, which was read, and constitutional rule being suspended, was read second time and referred to Judiciary committee.

*Mr. Smith, of Mobile :*

To prevent the burning of forests worked for turpentine, which was read, and constitutional rule being suspended, was read second time, and referred to the Judiciary committee.

Mr. Howard introduced a bill for the relief of William Morton, which was read, and constitutional rule being suspended, was read second time and referred to the Judiciary committee.

Mr. Clanton, of Montgomery, introduced a bill to make Martha Ann Gunn, of the city of Montgomery, a free dealer, which was read, and constitutional rule being suspended, was

read second time and referred to the committee on Propositions and Grievances.

Mr. Curry introduced a bill for certain persons therein named, which was read, and constitutional rule being suspended, was read second time.

Mr. Rice moved to lay the bill on the table.

The motion was lost.

The bill was then amended, and on motion of

Mr. Curry, referred to a select committee composed of the delegation from Barbour, Mobile, Franklin and Talladega counties.

Mr. Curry introduced a bill for the relief of John C. Hawkins, the heirs of Allen K. Curry, A. Downing, and W. J. Ingram, which was read, and constitutional rule being suspended, read second time, and, on motion of Mr. Camp, referred to the committee on Sixteenth Sections.

Reports from Standing Committees :

Mr. Cochran, from the Judiciary committee, made the following report, to which was referred a bill to shorten the session of the Legislature one month, have considered the same and report the bill back to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred a bill to prevent more effectually the offences of burglary and theft in this State, have considered the same, and report it back to the House, and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, reported adversely to the bill to establish a County Court for the county of Marshall.

Also, to the petition of Michael & Pevy, and other citizens of Coosa, praying for the abolition of the Chancery Courts of this State, which was concurred in.

Mr. Cochran, from the same committee to which was referred the bill to more effectually secure subordination among slaves, have considered the same, and report it back to the House, and ask that it be referred to Select committee raised to consider the subject, which was concurred in.

Mr. Cochran, from the same committee, to which was referred a bill to regulate the survey of lands in the county of Henry, have considered the same, and report that the cases of *Nolen vs. Palmer*, 24 Alabama Reports, page 391, and *Walters vs. Commons*, 2d Porter's Rights, page 38, decides the law at

this time to be as proposed to be enacted by the bill, and ask to be discharged from the further consideration of the subject.

*Mr. Nabors*, from the Committee on Divorce and Alimony, to which was referred sundry records of divorce, instruct me to report the following bill :

To divorce Jesse Kinsey from his wife Monemia Kinsey, and other persons therein named.

The bill was read and ordered to a second reading.

*Mr. Curry*, from the committee on Internal Improvements, to which was referred a Senate bill to enable Railroad companies to borrow money, and for other purposes, have had the same under consideration, and direct me to report it back to the House.

The bill was ordered to a third reading.

The House took an informal recess, preparatory to going into the election for Solicitors for the 4th, 5th and 6th Judicial Circuits.

The House met three minutes before 12 o'clock, M.

The hour of 12 having arrived, the Senate appeared, by invitation, within the Hall of the House, and the two Houses, in joint convention, proceeded to the election for Solicitor of the 4th Judicial Circuit.

*Mr. John S. Kenedy*, of Lauderdale, being alone in nomination, and having received all the votes cast, (90) except *Mr. Jay*, who voted for *Mr. Wilkerson*, was declared by *Mr. Speaker* duly and constitutionally elected for the 4th Circuit. for the term prescribed by law.

Then proceeded to the election for the 5th Judicial Circuit.

*Mr. Nicholas Davis*, of Madison, alone being in nomination, and having received all the votes cast, (106) was declared by *Mr. Speaker* to be duly and constitutionally elected for the term prescribed by law.

The convention then proceeded to the election of Solicitor for the 6th Judicial Circuit.

*Mr. Robert B. Armstead* and *L. F. Sumner*, of Mobile, being in nomination.

Those who voted for *Mr. Armstead* are :

Messrs. President, Abernathy, Bradford, Felder, Gay, Jones, of Fayette, Lamar, Malone, Nelson, Patton, Searcy, Wilson, of Jackson, Wilson, of Pickens, of the Senate : Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown, of Marion, Burgess, Chapman, Cochran, Curry, Davis, Ellis, of Blount, Ellis, of Benton, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, King, Lar-kins, Little, Lockett, Lynch, Maples, Menasco, McConnell,



Milligan, Moragne, Nabors, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Staton, Taylor, of Coosa, Ward, of Cherokee, Winston and Wood, of the House—64.

Those who voted for Mr. Sumner are :

Messrs. Baker, Hatcher, Hewlett, Jones, of Franklin, Prince, Taylor, Webb, of the Senate ; Messrs. Battle, Byrne, Bernhard, Brown, of Tuskaloosa, Camp, Clanton, of Montgomery, Crawford, Echols, English, Galloway, Gilmore, Howard, Jay, Kirkland, McBride, McClanahan, Miree, Moorer, Nicholson, Odom, Owen, Powell, Pryor, Reid, Rhodes, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, White, Wright, Wood and Woolsey, of the House—43.

Message from the Governor :

December 5, 1855.

Mr Speaker :

The Governor has approved a bill to divorce Daniel M. Doolittle from his wife Sarah O. Doolittle.

Mr. Browder voted for Mr. Gardner.

Mr. Armstead having received a majority of all the votes cast, Mr. Speaker declared him to be duly and constitutionally elected Solicitor for the 6th Judicial Circuit, for the term prescribed by law.

The Senate then withdrew to their chamber.

Message from the Senate by Mr. Taul.

The Senate has passed House bill of the following title :

To incorporate the Mobile Steamship Company, amended as therein shown.

The Senate has originated and passed a bill of the following title :

To regulate Sheriffs' and Coronors' sales in the county of Shelby.

Mr. Remson moved to suspend the orders of the day, to allow time to introduce a resolution, which motion was lost.

Mr. Bishop, from committee on County Boundaries, to which was referred a bill to change the county boundaries of Hancock county, have had the same under consideration, and report the bill back to the House, and recommend its passage.

Mr. Rice moved to suspend the orders of the day, so as to dispose of the bill under consideration.

The motion prevailed.

Mr. Jay :

To amend, provided that expenses that may occur as decided by a test vote of the voters of their respective counties,

upon the subject of removal of and building of the seat of justice from which security is taken, shall be paid by any moneys in the Treasury of the State not otherwise appropriated.

Mr. Curry moved so adjourn until half past three o'clock, P. M.

Mr. Camp, to adjourn until to-morrow, 10 o'clock.

The House then adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, December 5, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Belser moved to suspend the call of the counties, to act upon the message of the Senate, in reference to the bill amended by the Senate to incorporate the Mobile Steamship Company.

The motion prevailed, and the House concurred in the amendment of the Senate.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Speaker laid before the House a communication from the Clerk of the House.

HOUSE OF REPRESENTATIVES, Dec. 5, 1855.

Hon. R. W. Walker, Speaker of the

House of Representatives :

Dear Sir : On yesterday I was officially informed by Messrs. Bates & Lucas, that, from that date, they claimed to be Public Printers, and insisted upon their rights under a certain contract with the Secretary of State.

As I am not informed as to my duty in the premises, I respectfully ask the House of Representatives for instruction.

Respectfully your obedient servant,

ALBERT S. ELMORE.

Clerk of the House of Representatives.

Which was referred to the committee on Printing.

Mr. Powell :

To suspend the call of the counties, to take up the resolution offered day before yesterday.

The House refused to suspend.

Mr. Jay moved to suspend the call of the counties, to allow committees to report and take up the orders of the day.

Motion was lost.

Mr. Moragne introduced a bill authorizing Solomon Lee

and James A. Pease (liners) to vote and have citizenship in the county of Benton.

Mr. Goode introduced a bill to amend section 2304 of the Code.

Mr. Owen introduced a bill to amend section 2013 of the Code.

Also, a bill to authorize Jesse Thompson, and T. J. Zimmerman, to establish a ferry across Tallapoosa river upon their own land, at or near Jordons old ferry, on the line between Macon and Montgomery county.

Mr. Belser, introduced a bill for the relief of Henry M. Elmore and others.

Mr. Lockett, introduced a bill to make Nancy Pierson, of the county of Tallapoosa, a free dealer.

Mr. Menasco:

A bill to authorize the Commissioners Court for the county of Walker, to levy a county tax.

Mr. Lynch:

A bill to make Lorana Durren, of the county of Wilcox, a free dealer.

Mr. Beck:

A bill to improve the navigation of the Alabama river.

Which were severally read and ordered to a second reading.

Mr. Belser, presented the petition of Cowan & Martin, which was referred to committee on Accounts.

Mr. Sanford, introduced a bill to regulate the Circuit Judges of the State in holding their Courts.

Mr. Davis:

A bill to amend Section 3249 of the Code.

Under a suspension of the rules, the bills were severally read first and second times and referred to the Judiciary committee.

Mr. Belser, presented the petition of the Hon. Nathaniel Cooke, which was referred to the Judiciary committee.

Mr. Smith, of Lauderdale:

A bill to incorporate the Lagrange College at Florence, which under a suspension of the constitutional rule, was read first and second times and referred to the committee on Corporations.

Mr. Bishop, moved to suspend the call of the counties, to introduce a resolution.

The motion prevailed.

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law, requiring that in

all future elections, the elector shall vote *viva voce*, instead of by ballot, with leave to report by bill or otherwise.

Adopted.

Mr. Powell, presented the petition of various citizens of North Port, which was referred to the committee on Propositions and Grievances.

Also, the account of Alfred Robertson, which was referred to the committee on Accounts.

Mr. Gilmore, presented the petition of various citizens of Sumter, which was referred to the committee on Corporations.

Reports from Standing committees :

Mr. Jackson, from committee on Ways and Means, to which was referred a bill relating to the Government and Revenue of Mobile county, have had the same under consideration and instruct me to report it back to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from Judiciary committee, to which was referred bills to authorize Judges of the Circuit Court, to correct erroneous entries made upon the Docket of the Circuit Courts.

To amend Section 2260 of the Code and to re-index the Code of Alabama, have considered the same and report adversely thereto.

Report concurred in.

Mr. Cochran, from the same committee, to which was referred the memorial of N. W. Prince, on the subject of dogs, report the same back to the House and ask its reference to the committee on Agriculture.

Report concurred in and memorial so referred.

Mr. Cochran, from the same committee, to which was referred a bill to allow Executors and Administrators discretionary powers in certain cases, report the following amendment and recommend its adoption and the passage of the bill.

Amendment concurred in and the bill ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred a bill for the better protection of male minors in this State, have considered the same and report it back to the House without amendment and recommend its passage.

Mr. Critcher, moved to postpone the bill indefinitely, and called the yeas and nays.

Yeas—Messrs. Bernhard, Bradley, Brown, of Tuskaloosa,

Camp, Critcher, Goode, Grubbs, King, Larkins, Lockett, McBride, McClanahan, McConnell, McMullen, Reid. Shackelford, Sheffield, Staton and Ward of Cherokee.—19.

Nays—Messrs. Speaker, Acree, Alford, Battle, Beavers, Beck, Belser, Bishop, Brown, of Marion, Browder, Burgess, Byrne, Chapman, Clanton, of Montgomery, Cochran, Curry, Dawson, Echols, Ellis, of Blount, Ellis, of Benton, English, Fowler, Galloway, Gilmore, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Kirkland, Little, Lynch, Maples, Menasco, Milligan, Miree, Moragne, Nabors, Odom, Owen, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Rice, Sanford, Smith, of Franklin, Smith, of Lauderdale, Sykes, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, Williams, Winston, Wright and Woolsey.—64.

Mr. Camp, moved to amend, provided the provisions shall not apply to the counties of Jefferson and Cherokee.

Mr. Belser, moved to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Browder, Byrne, Chapman, Cochran, Curry, Dawson, Echols, Ellis, of Benton, English, Fowler, Galloway, Gilmore, Haden, Hancock, Howard, Jackson, Jay, Jones, Lockett, Lynch, Maples, McBride, Milligan, Miree, Moragne, Nabors, Pennington, Portis, Powell, Pryor, Pynes, Rhodes, Rice, Shackelford, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, Williams, Winston and Woolsey.—53.

Nays—Messrs. Barry, Bernhard, Bradley, Brown, of Marion, Brown, of Tuskolosa, Camp, Clanton, of Montgomery, Critcher, Ellis, of Blount, Goode, King, Kirkland, Larkins, Little, Menasco, McClanahan, McConnell, McMullen, Owen, Reid, Remson, Sanford, Sheffield, Staton and Ward, of Cherokee.—25.

Mr. Reid, moved to amend, provided the provisions of this Section shall not apply to persons who shall sell to said minors articles of commodities, necessary for their comfort and sustenance.

Mr. Smith, of Lauderdale, moved to lay the amendment on the table, and the motion prevailed.

Mr. Staton, moved to amend, provided the provisions of this act shall not extend to Blount county.

Mr. Belser, moved to lay the amendment on the table.

Mr. Camp, moved to suspend until Friday next, and make the bill the special order for 11 o'clock, A. M.

Motion was lost.

The question then recurred on Mr. Belser's motion, to lay the amendment of *Mr. Staton* on the table, and the yeas and nays were called.

Yeas—*Messrs.* Barry, Beavers, Beck, Brown, of *Marion*, Dawson, Ellis, of *Blount*, Gilmore, Goode, Jones, King, Lockett, Lynch, *Menasco*, *McConnell*, *McMullen*, *Milligan*, *Pennington*, *Portis*, *Powell*, *Sanford*, *Shackleford*, *Staton*, *Taylor*, of *Coosa* and *Ward*, of *Dale*.—24.

Nays—*Messrs.* Speaker, *Acree*, *Alford*, *Battle*, *Bernhard*, *Belser*, *Bishop*, *Bradley*, *Burgess*, *Byrne*, *Camp*, *Chapman*, *Cochran*, *Critcher*, *Crawford*, *Curry*, *Davis*, *Echols*, *Ellis*, of *Benton*, *English*, *Fowler*, *Galloway*, *Graham*, *Grubbs*, *Haden*, *Hancock*, *Hobbs*, *Howard*, *Jackson*, *Jay*, *Kirkland*, *Larkins*, *Little*, *Maples*, *McBride*, *McClanahan*, *Miree*, *Moragne*, *Nicholson*, *Odom*, *Owen*, *Pryor*, *Pynes*, *Reid*, *Remson*, *Rice*, *Sheffield*, *Smith*, of *Franklin*, *Smith*, of *Lauderdale*, *Smith*, of *Mobile*, *Sykes*, *Taylor*, of *Chambers*, *Thornton*, *Thorn*, *Towles*, *Ward*, of *Cherokee*, *Williams*, *Winston* and *Woolsey*.—60.

*Mr. Cochran*, moved the previous question.

*Mr. Camp*, called the yeas and nays.

Yeas—*Messrs.* Speaker, *Acree*, *Alford*, *Battle*, *Beavers*, *Beck*, *Belser*, *Bishop*, *Browder*, *Burgess*, *Byrne*, *Chapman*, *Cochran*, *Crawford*, *Davis*, *Dawson*, *Echols*, *English*, *Fowler*, *Galloway*, *Gilmore*, *Graham*, *Haden*, *Hancock*, *Hobbs*, *Howard*, *Jackson*, *Jay*, *Jones*, *Lockett*, *Lynch*, *Maples*, *Milligan*, *Miree*, *Moragne*, *Nabors*, *Odom*, *Owen*, *Pennington*, *Portis*, *Powell*, *Pryor*, *Pynes*, *Remson*, *Rhodes*, *Rice*, *Smith*, of *Franklin*, *Smith*, of *Lauderdale*, *Smith*, of *Mobile*, *Taylor*, of *Coosa*, *Thornton*, *Thorn*, *Towles*, *Ward*, of *Dale*, *Winston* and *Woolsey*.—56.

Nays—*Messrs.* Barry, *Bernhard*, *Bradley*, *Brown*, of *Marion*, *Brown* of *Tuskaloosa*, *Camp*, *Critcher*, *Curry*, *Ellis*, of *Blount*, *Ellis*, of *Benton*, *Goode*, *Grubbs*, *King*, *Kirkland*, *Larkins*, *Little*, *Menasco*, *McBride*, *McClanahan*, *McConnell*, *McMullen*, *Reid*, *Sanford*, *Shackleford*, *Sheffield*, *Staton*, *Ward*, of *Cherokee* and *Wright*.—28.

The question was upon ordering the bill to be engrossed, and the yeas and nays were called.

Yeas—*Messrs.* Speaker, *Acree*, *Alford*, *Barry*, *Battle*, *Beavers*, *Beck*, *Belser*, *Bishop*, *Browder*, *Burgess*, *Byrne*, *Chapman*, *Clanton*, of *Montgomery*, *Cochran*, *Crawford*, *Curry*, *Davis*, *Echols*, *Ellis*, of *Benton*, *English*, *Fowler*, *Galloway*, *Gilmore*, *Graham*, *Haden*, *Hancock*, *Hobbs*, *Howard*, *Jack-*

son, Jay, Jones, Little, Lynch, Maples, Menasco, Milligan, Miree, Moragne, Nabers, Nicholson, Odem, Owens, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale. Williams, Winston, Wright and Woolsey.—63.

Nays—Messrs. Bernhard, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Camp, Critcher, Ellis, of Blount, Goode, King, Kirkland, Larkins, Lockett, McBride, McClanahan, McConnell, McMullen, Reid, Sanford, Shackelford. Staton and Ward, of Cherokee.—21.

Mr. Cochran, from the same committee, to which was referred a resolution of instruction, to inquiring into the expediency of changing the Statute of limitation non-claims, have considered the same, and report the following bill and recommend its passage.

A bill to amend the statute of limitations in this State, was read and ordered to a second reading.

Mr. Cochran, from the same committee, to which was referred a bill for the benefit of indigent families of this State, reported adversely thereto.

Mr. Camp, moved to lay the report on the table, which was lost.

The report was then concurred in.

Mr. Cochran, from the same committee, to which was referred a bill to repeal a certain part of the fourth division of Section 2462 of the Code, has considered the same and report adversely thereto.

Mr. Reid, moved to lay the report on the table.

Motion was lost and the report concurred in.

Mr. Cochran, moved to suspend the orders of the day, so as to allow the Judiciary committee to report.

Orders were suspended.

Mr. Cochran, from the same committee to which was referred the bill to make Henrietta M. Sexton, a free dealer, have considered the same and report it back to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Cochran, from the same committee, to which was referred a bill to change the rate of interest in this State, also a bill to authorize contracts at more than 8 per cent. in writing, have considered the same and report a substitute therefor and made a special order for Tuesday next, December 11th, at 11 o'clock, A. M.

Mr. Thornton, from the same committee, to which was re-

ferred a bill to amend Section 1825 of the Code, and to increase the fees of Administrators and Executors in certain cases, have had the same under consideration and report the following as a substitute therefor, and recommend its passage.

House refused to adopt the substitute.

Mr. Belser, moved to lay the whole subject on the table, the motion prevailed.

Mr. Davis, from the same committee, to which was referred a bill to amend Section 1065 of the Code, have considered the same and report the bill back to the House and recommend its passage.

The bill was ordered to be engrossed.

Mr. Graham, moved to suspend the orders of the day, to allow reports from committee on Propositions and Grievances, and the rule was suspended.

Mr. Graham, from committee on Propositions and Grievances, to which was referred the petition of William C. Davis, Clarke Aldrige and David W. Floyd, Commissioners of Free Public Schools, of Township 19, Range 28 in Russell county, have had the same under consideration, together with the accompanying papers and report the same back to the House, with a view of being recommitted to the committee on sixteenth section fund, and beg leave to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Graham, from the same committee, to which was referred the petition of Wm. C. Thomas, for the compensation of pursuing and arresting Mathias Rickets, who was charged with a felony, have had the same under consideration, and report it back to the House, with the accompanying bill and recommend its passage.

A bill for the relief of Wm. C. Thomas, of Marshall county, which was read and constitutional rule being suspended, was read the second and third times and passed.

Mr. Graham, from the same committee, to which was referred the bill for the relief of Lydia, McWright, of Franklin county, have considered the same, and report that it would be inexpedient to legislate on the subject, because the provisions of the Code, chapter 1, part 2d, are sufficient for the purposes contemplated in said bill.

Mr. Graham, from the same committee, to which was referred the bill for the relief of Robert R. Freeman, of St. Clair county, have had the same under consideration, and report the same back to the House and recommend its passage.



The bill was then ordered to be engrossed for a third reading.

Mr. Graham, from the same committee, to which was referred the bill to authorize James L. Clements, to erect a mill dam on Pois Creek, in Tuscaloosa county, have considered the same and report that it is inexpedient to legislate on the subject.

The report was concurred in.

Mr. Graham, from the same committee, to which was referred the petition of Mr. Jackson and others, for the relief of John H. Hurts, have had the same under consideration, and recommend its passage.

A bill for the relief of John H. Hurts, of Coosa county, was read and ordered to a second reading.

Mr. Reid, from the same committee, to which was referred the petition of sundry citizens, in and within one mile of Perryville, in the county of Perry, praying for an act of incorporation, and the committee have examined and report the accompanying bill and recommend its passage.

A bill to incorporate the village of Perryville and for other purposes, was read first time and ordered to a second reading.

Mr. Pryor, moved to suspend orders, to take up the message received from the Senate this morning.

Mr. Howard, moved to amend by taking up Senate messages generally.

Lost, and the motion of Mr. Pryor prevailed.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed bills of the following titles :

To make a loan to the Memphis and Charleston Railroad Company, which was read first time and constitutional rule suspended, was read second time and made special order for Friday, 11 o'clock.

To make a loan to the Alabama and Tennessee River Railroad, which was read and ordered to a second reading.

The Senate has passed a House bill to authorize the Court of County Commissioners of Limestone county, to subscribe to the Capital Stock of the Tennessee and Alabama Railroad Company.

Mr. Speaker :

The Senate has passed bills from the House of the following titles :

To amend in part an act incorporating the Tennessee and Alabama Railroad Company.

To divorce Martha C. Cowart from her husband Wiley G. Cowart, &c.

Supplemental to an act relating to the burnt records of Butler county.

To repeal an act therein named.

To provide for the relief of Census Takers, amended by the Senate and concurred in by the House.

Also, the following bills which originated in the Senate.

For the relief of David B. Driskell and others of Benton county, in respect to the Guardianship of non-resident minors.

To prevent the sale of spirituous liquors within one mile and a half of new Harmony Academy.

To repeal an act to fix the pay of Judges of Probate of Henry and Dale counties, in which the concurrence of the House is requested.

The bills were read and ordered to a second reading.

Mr. Bishop, moved to ajourn until half past 3 o'clock.

Motion was lost.

Mr. Belser, moved to suspend the orders, to take from the table the bill to build the Alabama Central Railroad.

The motion prevailed.

The bill was read second time and referred to the committee on Internal Improvements.

Mr. Howard, moved to suspend the orders of the day, to take up a Senate bill to renew the loan to the Mobile and Ohio Railroad Company.

The motion prevailed and the bill read.

Mr. Howard, moved to suspend the constitutional rule, so as to give the bill a second reading.

The House refused to suspend and the bill was ordered to a second reading.

House adjourned until 10 o'clock, to-morrow morning.

THURSDAY, December 6, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

Mr. Howard, moved to suspend the call of the counties, to take up the Senate bill to renew the loan of the Mobile and Ohio Railroad.

Mr. Woolsey, moved to amend by taking up Senate bills generally.

Which motion was lost and the House refused to suspend the call of the counties.

Mr. Jay, moved to suspend the call of the counties, to allow him to introduce a bill.

The House refused to suspend.

Mr. Jackson, moved to suspend the call of the counties, for the purpose of disposing of the bills under consideration.

To increase the fees of Jailors and to amend Section 3972 of the Code and to change the boundary of Hancock county.

Motion was lost.

Mr. Owen, asked leave of absence for his colleague, Mr. Cunningham.

Granted.

Mr. Speaker, laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Also, laid before the House the report of the Gräfenburg Medical Institute, Tallapoosa county, Alabama, which was referred to committee on Education.

Mr. Jackson, introduced a bill to regulate the School funds of Township 17, Range 17, in Autauga county.

Mr. Browder, introduced a bill to equalize the Homestead exemption act.

Mr. Graham, introduced a bill for the Central Plank Road Company.

Mr. Woolsey, introduced a bill to amend Section 2164 of the Code.

Also, a bill to amend Section 897 of the Code.

Mr. Thornton, introduced a bill for the relief of William Dixon, of Franklin county.

Mr. Haden, introduced a bill to alter and amend the law in relation to retailers in this State.

Mr. Echols, introduced a bill to incorporate the East Alabama Insurance company, at Auburn, in Macon county, which was read and Mr. Echols moved to suspend constitutional rule, so as to give the bill a second reading.

The bills were severally read and ordered to a second reading.

Mr. Jay introduced a bill to authorize J. D. Cary, Judge of Probate for Conecuh county, to act as such in a certain case therein named.

Mr. Clanton introduced a bill to amend Section 5 of an act therein mentioned.

Under a suspension of the constitutional rule were severally read first, second and third times and passed.

Mr Byrne presented the petition of various citizens of Baldwin county.

Mr. Taylor presented the petition of various citizens of Coosa county, which was referred to the committee on the Judiciary.

Mr. Crawford presented the petition of various citizens of Bibb, which was referred to the committee on Propositions and Grievances.

Mr. Shackelford presented the petition of various persons in relation to the Græfenburg Medical College, which was referred to the committee on Education.

Mr. Gilmore presented the petition of various citizens of Sumter county, which was referred to the committee on Roads, Bridges and Ferries.

The House then proceeded to the consideration of the unfinished business, being the bill to increase the fees of jailors; to amend Section 3992 of the Code and the amendment of Mr. Camp—the question being upon the motion of Mr. Nabors to lay the bill and amendment upon the table, and the yeas and nays were called.

The hour of 11 o'clock having arrived, for which there was a special order—being the report of the Judiciary committee and joint resolutions proposing amendments to the Constitution.

Mr. Belser moved that the report of the Judiciary, with the accompanying joint resolutions, now under consideration, be again referred to the said committee, with instructions to bring before the House as soon as practicable a bill or joint resolutions for the call of a Convention of the people of this State to revise the present Constitution thereof, by proclamation of the Governor, on the 2d Monday in ———, 1856, to provide for the number and election of delegates thereto, and for the final ratification or rejection of the Constitution which said Convention may adopt by a vote of the people on the 1st Monday of August, 1857, and to put in such bill, joint resolutions or such other provisions that the said Constitution is approved of by the people may be in full force and effect by the next session of this General Assembly, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Browder, Burgess, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Galloway, Garlick, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Lynch, Maples, McBride, McClanahan, McMullen, Milligan, Nabors, Nicholson, Odom, Owen, Pynes, Remson, Rhodes, Rice, Shackelford, Sheffield, Smith of Lauderdale, Staton, Taylor of Chambers,

Taylor of Coosa, Ward of Dale, Williams, Winston, Wright, Wood and Woolsey—61.

Nays—Messrs. Beck, Bradley, Brown of Marion, Brown of Tuscaloosa, Critcher, Fowler, Gilmore, Goode, Jackson, Jones, Kirkland, Locket, Manasco, McConnell, Miree, Moragne, Pennington, Powell, Pryor, Reid, Sanford, Smith of Franklin, Smith of Randolph, Sykes, Thornton, Thorn, Towles, Ward and White—29.

The motion and resolution was adopted.

The House adjourned until to-morrow morning 10 o'clock.

FRIDAY MORNING, December 7, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Portis, from committee on Enrolled Bills, to whom was referred an act to authorize the Court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Rail Road Company, have examined the same and report it correctly enrolled.

Also, the Huntsville Hotel Company—report it correctly enrolled.

Also to provide for the relief of census takers, and the bill for the relief of John Milford, census taker of Perry county, and other counties.

Have examined the same and find them correctly enrolled.

Mr. Speaker laid before the House sundry records of Divorce, which were referred to the committee on Divorce and Alimony. Also, a communication from the Governor.

EXECUTIVE DEPARTMENT, Dec. 6, 1855.

Hon. R. W. Walker, Speaker of the

House of Representatives:

Sir: I herewith communicate to the House of Representatives the report of the Trustees of the Alabama Insane Asylum.

Very respectfully, your ob't serv't,

JOHN A. WINSTON.

Which was referred to the Insane Select committee.

Mr. English introduced a bill to incorporate the town of Pleasant Hill, in Dallas county.

Mr. Camp introduced a bill for the relief of defendants in malicious prosecutions.

Mr. Brown, of Marion, introduced a bill to amend Section 3283 of the Code of Alabama.

Mr. Williams introduced a bill to increase the fund for the support and maintenance of free public schools in this State.

Mr. Garlick introduced a bill to make A. T. Pritchard, wife of Wm. B. Pritchard, of Russell county, a free dealer.

Mr. Powell introduced a bill to better preserve the journals of the General Assembly of the State of Alabama.

Which were severally read and ordered to a 2d reading.

Mr. Smith, of Franklin, introduced a bill to authorize the Trustees of T. 6, R. 10, in the county of Franklin, to receive and loan out the moneys belonging to said Township, which was read, constitutional rule suspended, was read second time and referred to the committee on Education.

Mr. Smith, of Franklin: A bill for the benefit of certain institutions therein named, which was read and, on motion of Mr. Smith to suspend the constitutional rule, House refused to suspend, and the bill was ordered to a second reading.

Mr. Hobbs presented a petition for a change in the school laws, which was referred to the committee on Education.

Mr. Beavers: A bill to authorize James M. Adams, of St. Clair, to retail spirituous liquors without license, which was read and the House refused the bill to a second reading.

Mr. Brown, of Tuscaloosa, presented the memorial of C. G. Pitcher to the General Assembly of Alabama, which was referred to a Select committee, composed of five, to be raised.

The House resumed the consideration of the bill to increase the fees of jailors, and to amend Section 3992 of the Code—the question being upon laying the bill and amendment of Mr. Camp on the table.

The yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Bishop, Bradley, Brown of Marion, Chapman, Clanton of Montgomery, Curry, Davis, Dawson, Echols, Ellis of Benton, Ellis of Blount, Garlick, Graham, Haden, Hancock, Hobbs, Jay, English, Jones, King, Larkins, Lockett, Lynch, Manasco, McMullen, Milligan, Moragne, Nabors, Owen, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wright and Wood—57.

Nays—Messrs. Battle, Belser, Brown of Tuscaloosa, Browder, Byrne, Camp, Cochran, Critcher, Fowler, Golloway, Goode, Gilmore, Grubbs, Howard, Jackson, Kirkland, McConnell, Nicholson, Powell, Pryor, Reid, Rhodes, Sheffield Smith of Mobile, Sykes and Woolsey—29.

The bill and amendment were laid on the table.

*Mr. Davis* moved to suspend the rule to allow time to introduce a resolution.

The motion was lost.

*Mr. Lynch* moved to suspend to allow time for the committee on Public Printing to report.

Motion prevailed.

*Mr. Sykes*, from the committee on Printing, to whom was referred the communication of Albert Elmore, Clerk of the House, to the Hon. R. W. Walker, and asking instructions with regard to the State Printers, have had the same under consideration; that upon enquiring at the Secretary of State's office, we find that that office awarded the contract for the State Printing to Messrs. Bates & Lucas, of Montgomery, according to law; that said contractors have filed their bonds in due form, approved by the Governor. We, therefore, recommend that the State Printing be handed over to said contractors, and that the committee be discharged from the further consideration of the matter.

*Mr. Smith*, of Lauderdale, moved to commit all the papers to the Judiciary committee.

*Mr. Fowler* moved to lay that motion on the table, and the yeas and nays were called for.

Yeas—Messrs. Speaker, Alford, Barry, Battle, Beavers, Bernhard, Belser, Bradley, Brown, of Marion, Brown, of Tuskalooza, Burgess, Byrne, Camp, Chapman, Clanton, of Montgomery, Critcher, Davis, Dawson, Echols, English, Fowler, Gilmore, Goode, Grubbs, Haden, Hobbs, Howard, Jay, King, Larkins, McBride, McClanahan, McConnell, Mirce, Nicholson, Odom, Owen, Powell, Pryor, Reid, Rhodes, Sanford, Smith, of Franklin, Staton, Sheffield, Sykes, Taylor of Chambers, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, White, Wright, Wood and Woolsey—55.

Nays—Messrs. Acree, Beck, Bishop, Browder, Curry, Ellis, of Blount, Ellis, of Benton, Garleck, Graham, Hancock, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, Milligan, Moragne, Nabors, Portis, Pynes, Remson, Rice, Shackelford, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Taylor, of Coosa, Towles, Williams and Winston—24.

Message from the Senate by Mr. Taul.

*Mr. Speaker*:

The Senate has passed a House bill to authorize J. D. Cary, Judge of Probate for Conecuh county, to act as such in a certain case therein named.

Also, passed the following resolution:

*Resolved*, That with the concurrence of the House, the two Houses will meet in convention to-day at 1 o'clock, P. M., for the purpose of electing a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. W. P. Chilton.

In which the House concurred.

The hour of 11 o'clock having arrived, and for that hour there being a special order, to-wit:

To make a loan to the Memphis and Charleston Railroad Company.

The House proceeded to the consideration of said special order.

Mr. Pennington moved to suspend said special order, to introduce a resolution, which motion was ruled out of order by Mr. Speaker.

Mr. Towles moved to suspend with a view of disposing of the report of the committee on Public Printing, which motion prevailed.

The report was then concurred in.

House then resumed the special order.

Mr. McMullen moved to refer the bill to the committee on Internal Improvements, and the yeas and nays were called.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown, of Marion, Brown, of Tuskaloosa, Burgess, Byrne, Clanton, of Montgomery, Critcher, Dawson, Echols, Ellis, of Blount; Garleck, Gilmore, Goode, Grubbs, Jackson, Kirkland, Lynch, Menasco, McConnell, McMullen, Milligan, Nabors, Nicholson, Owens, Pennington, Portis, Powell, Pynes, Sanford, Smith, of Randolph, Taylor, of Coosa, Towles, Ward, of Dale, White, Williams, Winston, Wright—41.

Nays—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Camp, Chapman, Cochran, Curry, Davis, English, Galloway, Graham, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Lockett, Maples, McBride, McClanahan, Miree, Moragne, Odom, Pryor, Reid, Remson, Rhodes, Rice, Shackelford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Taylor, of Chambers, Thornton, Thorn, Ward, of Cherokee, Woolsey—46.

Mr. Winston moved to amend by striking out five hundred thousand, where it occurs, and inserting three hundred thousand.

Mr. Smith, of Franklin, called for a division of the question.



Mr. Speaker (Mr. Rice in the chair,) moved the previous question, and the yeas and nays were called.

Yeas—Messrs. Speaker, Alford, Battle, Belser, Bishop, Byrne, Chapman, Cochran, Curry, Davis, Ellis, of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Maples, McClanahan, Miree, Odom, Pryor, Remson, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, and Woolsey—36.

Nays—Messrs. Acree, Beavers, Beck, Bradley, Bernhard, Brown, of Marion, Brown, of Tuskaloosa, Browder, Burgess, Camp, Clanton, of Montgomery, Crawford, Critcher, Davis, Echols, Ellis, of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Nicholson, Owen, Pennington, Portis, Powell, Pynes, Reid, Sanford, Shackelford, Smith, of Randolph, White, Williams, and Winston—52.

Mr. Fowler moved to lay the bill and amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Acree, Alford, Beavers, Beck, Brown, of Marion, Clanton, of Montgomery, Dawson, Echols, Fowler, Garleck, Goode, Graham, Hobbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Nabors, Nicholson, Owen, Pennington, Portis, Pynes, Shackelford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, White and Williams—35.

Nays—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis, of Blount, Ellis, of Benton, English, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Maples, McClanahan, Miree, Moragne, Odom, Powell, Pryor, Reid, Rice, Remson, Rhodes, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Winston and Woolsey—55.

House then took an informal recess, preparatory to going into the election of Supreme Court Judge.

House met five minutes past 1 o'clock.

Senate appeared within the Hall of the House, and the two Houses, in joint convention, proceeded to the election of Supreme Court Judge.

A. J. Walker, of Talladega, alone being in nomination, and having received all the votes cast, (110) was declared by Mr. Speaker to be duly and constitutionally elected Judge of the Supreme Court for the term prescribed by law.

Senate then withdrew to their chamber.

Mr. Portis, from Enrolled committee, to which was referred the engrossed bill to authorize J. D. Cary, Judge of Probate for Conecuh county, to act as such in a certain case therein named, have examined the same, and report it correctly enrolled.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills of the following titles:

To authorize the conferring of diplomas at the Southern Military Academy of Chambers county.

To compell Executors, Administrators and Guardians, who have removed out of the State to make final settlements of their accounts.

For the relief of John W. Brown, of Macon county.

To repeal section six of an act to lay off Cherokee and Lauderdale counties into four commissioners' districts, and for other purposes therein named.

To authorize the Executors of William Latter, deceased, to move the administration of said estate from the county of Monroe to the county of Conecuh.

To authorize the Secretary of State to subscribe for ninety-eight copies of the new map of Alabama about to be published by D. H. Cram.

To prevent the sale of spirituous liquors within one mile and a half of a lot and buildings known as Barnes' Store, at Pleasant Hill, in Greene county.

To amend an act to authorize the holding of an additional term of the Chancery Court in Cherokee, Benton and Talladega counties, and to incorporate the Marion Insurance and Trust Company.

Also House bills of the following titles :

To amend section 1162 of the Code, so far as the county of Macon is concerned.

For the relief of Robert A. Johnston, Administrator, &c.

For the protection of Telegraph wires, and other purposes.

To regulate the summoning of Jurors in the county of De Kalb.

Amended by the Senate.

*Message from the Senate by Mr. Taul.*

*Mr. Speaker :*

The Senate has passed House bills of the following titles :

To change section 985 of the Coded, amended by the Senate.

To extend the time of holding the Circuit Court in the county of Morgan, and to change the time of holding the same in the county of Hancock, in which the concurrence of the House is requested.

House then resumed the consideration of the above bill, making the loan to the Memphis and Charleston Railroad of three hundred thousand dollars, and the motion being upon striking out, the motion prevailed.

*Mr. Camp* moved to fill the vacancy with four hundred thousand dollars.

Pending which motion, the House adjourned.

SATURDAY, December 8, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

*Mr. Howard* asked leave of absence for *Mr. Withers*.

*Mr. Crawford* for *Mr. Bernhard*.

*Mr. Curry* for *Mr. Remson*.

Which was granted.

*Mr. Davis* moved a suspension of the call of the counties, to introduce a resolution, which motion prevailed.

*Resolved*, That the Comptroller of Public Accounts be, and he is hereby instructed to pay the account of *Messrs. Brittan & Blue*, State Printers, for printing blanks for yeas and nays, provided that said account be certified to, as heretofore, by the Clerk of this House.

Which was adopted.

*Mr. Nabors* moved a further suspension of the call of the counties to introduce a resolution, which prevailed.

*Resolved*, That the committee on Sixteenth Section fund be instructed to inquire into the expediency of applying the surplus funds in the Treasury to the liquidation of the State indebtedness of the several Townships in the State on account of Sixteenth Section fund, and report by bill or otherwise.

Adopted.

*Mr. Jackson* introduced a bill for the relief of *Berry Gray*, and others.

*Mr. Ward*, of Dale :

A bill to supply the Probate office of Dale county with missing Supreme Court Reports of this State.

Also, a bill for the relief of Martha Scammell, of Dale county.

Mr. Woodsey introduced a bill to incorporate the Selma Receiving, Forwarding and Transportation Company.

Mr. Garleck :

A bill to amend the attachment laws.

Mr. McClanahan :

A bill to regulate the sale of spirituous liquors in the town of Columbiana.

Which bills were severally read and ordered to a second reading.

Mr. Graham :

A bill to incorporate the Wetumpka Steamboat Company.

Mr. King: A bill to incorporate the Shelby Lime Company.

Which bills were severally read first time, and under a suspension of the constitutional rule, read second time and referred to the committee on Corporations.

Mr. Fowler introduced a bill to authorize Benjamin Borden to erect gates across a road therein named, and to repeal the provisions of a certain act, which was read, and under a suspension of the constitutional rule, was read second time, and referred to the committee on Roads, Bridges and Ferries.

Mr. Clanton, of Montgomery, presented the account of L. H. Dickerson, which was referred to the committee on Public Accounts.

Also, introduced a bill to authorize the Governor to appoint a person to act as his private Secretary, as Police officer for the State Capitol, State Librarian, and other purposes, which was read, and under a suspension of the constitutional rule, was read second time.

Mr. Clanton moved a further suspension of the rule, so as to give the bill a third reading forthwith, and the yeas and nays were called upon the motion.

Yeas—Messrs. Speaker, Acree, Alford, Battle, Beck, Belser, Browder, Burgess, Byrne, Chapman, Clanton, of Montgomery, Crawford, Davis, Dawson, Echols, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, McBride, McConnell, Milligan, Moorer, Nabors, Nicholson, Owen, Pennington, Portis, Powell, Pryor, Pynes, Rhodes, Rice, Shackelford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph,

Sykes, Taylor, of Chambers, Taylor, of Coosa, Thornton, Thorn, Towles, Ward, of Dale, White, Williams, Winston, Wood and Woolsey.—64.

Nays—Messrs. Beavers, Bishop, Bradley, Brown, of Marion, Camp, Critcher, Curry, Ellis, of Blount, Ellis, of Benton, Hancock, Menasco, McClanahan, McMullen, Miree, Sanford, Staton, Thorn, Ward, of Cherokee and Wright.—20.

Four-fifths not voting in the affirmative, the motion to suspend was lost, and the bill was ordered to be engrossed for a third reading.

Mr. Williams, moved to suspend, to introduce a resolution.

*Resolved*, That the committee on Ways and Means are hereby instructed to report to this House, a revenue bill reducing the present rate of taxes, twenty-five per cent. on each article now taxed by law, and called for the yeas and nays.

Yeas—Messrs. Alford, Beck, Brown, of Marion, Clanton, of Montgomery, Critcher, Dawson, Echols, Garleck, Goode, Grubbs, Jackson, Kirkland, Lockett, Lynch, Menasco, McConnell, Moragne, Moorner, Nabors, Nicholson, Owen, Pennington, Portis, Reid, Rice, Sanford, Shackelford, Sheffield, Smith, of Franklin, Smith, of Randolph, Taylor, of Coosa, Taylor, of Chambers.—32.

Nays—Messrs. Speaker, Acree, Battle, Beavers, Belser, Bishop, Bradley, Brown, of Tuscaloosa, Burgess, Byrne, Chapman, Crawford, Curry, Davis, Ellis, of Blount, Ellis, of Benton, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Larkins, Little, Maples, McBride, McClanahan, McMullen, Odom, Powell, Pryor, Pynes, Rhodes, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Ward, of Cherokee, Ward, of Dale, Winston, Wright and Woolsey.—46.

The House refused to suspend the constitutional rule.

Mr. Smith, of Randolph, presented a petition, which was referred to the committee on 16th Section fund.

Mr. Dawson, presented the petition of Sluting Bass, M. D., which was referred to a select committee, composed of the Physicians of this House.

Mr. Beck, introduced a bill to create a fourth Chancery Division, which was read first time, and on motion of

Mr. Beck, to suspend the constitutional rule, the hour of 11 o'clock having arrived, pending which motion, the House proceeded to the consideration of the special order of yesterday,

which was to make a loan to the Memphis and Charleston Railroad.

Mr. Lynch, moved to suspend the special order, for the purpose of allowing Standing committees to report.

Motion did not prevail.

Mr. Gilmore, offered the following amendment :

Provided that the bills of the State Bank and Branches, shall not for the purpose of said loan, be considered as money.

The yeas and nays were called on the amendment.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Byrne, Camp, Chapman, Crawford, Curry, Davis, Ellis, of Blount, Ellis, of Benton, English, Galloway, Hancock, Haden, Hobbs, Howard, Jay, King, Larkins, Little, Maples, McClanahan, McMullen, Milligan, Miree, Moragne, Odom, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Winston and Woolsey.—50.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown, of Marion, Clanton, of Montgomery, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Moorer, Nabors, Nicholson, Owen, Pennington, Portis, Pynes, Shackelford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, White, Williams and Wright.—38.

Mr. Jackson, moved to amend by striking out all that relates to State Stock.

Mr. Thornton, moved to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Bishop, Byrne, Camp, Chapman, Crawford, Curry, Davis, Ellis, of Benton, English, Galloway, Haden, Hancock, Howard, Jay, King, Larkins, Little, Maples, McClanahan, Pryor, Remson, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn and Woolsey.—33.

Nays—Messrs. Acree, Alford, Beavers, Beck, Belser, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Burgess, Clanton, of Montgomery, Critcher, Dawson, Echols, Ellis, of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Odom, Owen, Pennington, Por-

tis, Powell, Pynes, Reid, Rhodes, Sanford, Shackleford, Smith, of Randolph, Taylor, of Coosa, Taylor, of Chambers, Towles, Ward, of Cherokee, Ward, of Dale, White, Williams, Winston, Woolsey and Wright.—55.

The amendment was then adopted.

Mr. Fowler, moved to amend by striking out all after the enacting clause, and insert the following :

*Be it enacted*, That for the purpose of making the funds in the Treasury, or which may hereafter come into the same, available and profitable for public uses, the Governor of this State and his successors in office, shall order the State Treasurer to lend the same, whenever applied for to responsible persons on bills of Exchange, with at least five good endorsers, to be approved by said Governor ; said bills to be payable at the office of said Treasurer, within twelve months after the loan, and to include the interest thereon at eight per cent. per annum.

SEC. 2. *Be it further enacted*, That all outstanding debts to the State, whether from Railroad Companies, or otherwise, shall no longer be extended, but shall be collected forthwith as they become due, and made useful and available in the manner prescribed by the preceding Section.

SEC. 3. *Be it further enacted*, That whenever the outstanding bonds of the State can be purchased at a proper discount, or shall become due, it shall be the duty of said Governor to order the State Treasurer, to apply the funds in the Treasury or belonging thereto, in liquidation of the same.

Mr. Chapman, moved to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Beavers, Belser, Bishop, Bradley, Brown, of Fuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Echols, Ellis, of Blount, Ellis, of Benton, English, Galloway, Gilmore, Haden, Hancock, Howard, Hobbs, Jay, King, Larkins, Little, Maples, McClanahan, Milligan, Mirce, Moragne, Odom, Owen, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, White, Winston and Woolsey.—57.

Nays—Messrs. Acree, Alford, Beck, Brown, of Marion, Fowler, Garleck, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Nabors, Nicholson, Portis, Pynes, Shackleford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa,

Towles, Ward, of Dale, Williams, Wright and Wood.—32.

*Message from the Governor.*

*Mr. Speaker :*

His Excellency has approved a bill, which originated in the House of Representatives, entitled an act to authorize J. D. Cary, Judge of Probate of Conecuh county, to act as such in a certain case therein named.

J. D. CATLIN, Jr.,

*Private Secretary.*

Mr. Jackson, entitled to the floor and the question being on the motion of

Mr. Camp, to fill the blank with four hundred thousand dollars, pending which motion, the House adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, December 10, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Speaker, laid before the House sundry records of divorce, which was referred to the committee on Divorce and Alimony.

Also, laid before the House a communication from the Comptroller.

COMPTROLLER'S OFFICE, }  
Montgomery, Ala., Dec. 8, 1855. }

HON. R. W. WALKER,

*Speaker of the House of Representatives :*

The current term of the Comptroller's office, expires on the 27th day of January, 1856, I respectfully tender my resignation to that office, to take effect on the 31st day of December, 1855.

Very Respectfully,

JOEL RIGGS,

Comptroller Public Accounts.

Mr. Speaker, announced the Select committee, to which was referred the memorial of C. G. Pitcher, Messrs. Brown, of Tuskalooza, Acree, Clanton, of Montgomery, Pryor and Hancock.

Mr. Curry, moved to suspend the call of the counties, to introduce a resolution.

The motion prevailed.

*Resolved*, That the House shall meet at half past 9 o'clock hereafter, and adjourn at half past 1 o'clock, and on *Monday*s, *Wednesday*s and *Friday*s, shall also meet at 3 o'clock,



P. M. and adjourn at 5 o'clock, P. M.

Mr. Jay, offered the following amendment :

*Resolved*, That from and after to-day, there shall be two Sessions of this House on Mondays, Wednesdays and Fridays ; morning Sessions to convene at 10 o'clock, A. M., and adjourn at 1 o'clock, P. M. ; evening Sessions to convene at 3 o'clock, P. M., and adjourn at 5 o'clock, P. M. ; the evening Sessions to be devoted to the standing orders of the day.

Which amendment was lost.

The question then being upon the adoption of Mr. Curry's resolution,

Mr. Hancock, moved to strike out half past 9 o'clock and insert 10 o'clock, and strike out half past 1 o'clock and insert 1 o'clock, and a division of the question was called.

The question being first upon striking out half past 9 o'clock and inserting 10 o'clock, A. M., which was lost.

The question then being upon striking out half past 1 o'clock, and inserting 1 o'clock, P. M.

The motion prevailed and the resolution as amended was adopted.

Mr. Curry, introduced the following resolution, which under a rule of the House lays over one day.

*Resolved*, That hereafter the rule requiring the call of the several counties, for bills and petitions every morning, shall be so modified as to require such call on each Monday and Thursday.

Message by Mr. Taul.

Mr. Speaker :

The Senate has passed a bill to make a loan to the Alabama and Mississippi River Railroad Company.

The House proceeded to consider the motion of Mr. Beck, made on Saturday last, to suspend the rule so as to give the bill to create a fourth Chancery Division a third reading.

Which motion was lost and the bill was ordered to a second reading.

Mr. Bradley introduced a bill to amend the road law in Cherokee county.

Mr. Pennington introduced a bill to provide for the payment of jurors in Choctaw county.

Mr. Woolsey introduced a bill, with a petition, for the protection of builders and mechanics in Dallas county, which was read, and under a suspension of the rule was read second time and referred to the committee on Propositions and Grievances.

Mr. Odom introduced a bill to aid the Abbeville Academy, in the county of Henry.

Mr. Maples introduced a bill with reference to the issuance of executions in the Circuit Court of Jackson county.

Which were severally read and ordered to a second reading.

Mr. Camp moved to suspend the call of the counties to offer a resolution.

*Resolved*, That the Judiciary committee be instructed to report on the expediency of compelling holders of bills of Exchange to bring suit in the same action against the drawer, acceptor or acceptors, endorser or endorsers, when they are residents of the same county. Which was adopted.

Mr. Chapman moved to suspend the call of the counties so as to make a report from the committee on Federal Relations. Motion prevailed.

Mr. Chapman, from the committee on Federal Relations, to which was referred certain joint resolutions proposing accession of a portion of West Florida to the State of Alabama, have considered the same, and report the same back without amendment and recommend the adoption thereof.

Mr. Chapman moved a further suspension so as to give the joint resolutions a third reading. The resolutions were then read the third time and passed.

Mr. Thornton introduced a bill to prevent cock fighting.

Mr. Smith, of Franklin, moved to suspend the constitutional rule so as to give the bill a second reading. Lost, and the bill ordered to a second reading.

Mr. Critcher presented the petition of various citizens of Marshall county, which was referred to the committee on Roads, Bridges and Ferries.

Mr. Battle introduced a bill for the benefit of Frederick Perquer.

Mr. Smith, of Mobile, moved a suspension of the constitutional rule. Which motion was lost and the bill ordered to a 2d reading.

Mr. Williams introduced a bill to provide for the burning of the bills of the old State Bank and Branches, and to prevent appropriations until the State debt is paid, and to reduce the State taxes.

Mr. Winston moved a suspension of the constitutional rule so as to give the bill a second reading. Which motion was lost.

Mr. Maples moved to lay the bill on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Beavers, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Ellis of Blount,

Ellis of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, *Maples*, *McClanahan*, *McMullen*, *Milligan*, *Moragne*, Nicholson, Odom, Powell, Pryor, Reid, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of *Mobile*, Staton, Sykes, Thornton, Thorn, White, Winston and Woolsey—48.

Nays—*Messrs.* Acree, Alford, Barry, Brown of *Marion*, Clanton of *Montgomery*, Dawson, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, *Menasco*, *McBride*, *McConnell*, *Moorer*, Nabors, Owen, Peddy, Pennington, Portis, Pynes, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, Williams, Wright and Wood—32.

Mr. Woolsey, moved to postpone the Bank bill until Thursday next, and make it a special order for 11 o'clock on that day.

Which motion prevailed.

The House resumed the consideration of the bill to make a loan to the Memphis and Charleston Railroad Company, the question being upon Mr. Camp's motion to fill the blank with four hundred thousand dollars.

Mr. Belser, moved the previous question, and the yeas and nays were called.

Yeas—*Messrs.* Acree, Beavers, Belser, Bradley, Byrne, Camp, Crawford, Curry, Ellis of Benton, Jay, *Maples*, *McClanahan* and Thornton.—13.

Nays—*Messrs.* Speaker, Alford, Beek, Brown of *Marion*, Brown of *Tuskaloosa*, Browder, Burgess, Chapman, Clanton of *Montgomery*, Critcher, Davis, Ellis of *Blount*, Fowler, Galloway, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Larkins, Little, Lockett, Lynch, *Menasco*, *McBride*, *McClanahan*, *McMullen*, *Milligan*, *Miree*, *Moragne*, *Moorer*, Nabors, Nicholson, Odom, Owen, Peddy, Pennington, Powell, Portis, Pryor, Pynes, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Lauderdale, Smith of *Mobile*, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor, of *Coosa*, Thorn, Towles, Ward of Dale, White, Williams, Winston, Wright and Wood.—67.

Mr. Fowler, offered the following amendment: strike out all relative to the lending of money and insert "be it enacted," &c., that the Governor shall be empowered to extend the aid of the State to the Memphis and Charleston Railroad Company, and other Companies desiring aid by appropriating

the convicts in the Penitentiary, as laborers upon said Road or Roads, under such restrictions and regulations for the health and safe keeping of said convicts, as may be approved by the Governor, provided that such companies shall pay all expenses of said convicts, whilst in such service and for their safe keeping, which was read out of order by the Speaker, because there was a motion before the House to fill the blank in the bill.

The question then recurred upon the motion to fill the blank with four hundred thousand dollars, and the yeas and nays called.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, Odom, Pryor, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn and Woolsey.—36.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley, Brown of Marion, Burgess, Clanton of Montgomery, Critcher, Dawson, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Larkins, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Nicholson, Nabors, Owen, Portis, Powell, Pynes, Reid, Rhodes, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Winston, Williams, Wright and Wood.—47.

Mr. Powell, moved to fill the blank with three hundred thousand dollars.

Mr. Smith of Franklin, moved to fill the blank with three hundred and fifty thousand dollars.

Mr. Fowler, to fill the blank with three hundred and ninety-nine thousand dollars, and the yeas and nays called on the motion.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Brown of Tuskaloosa, Byrne, Camp, Chapman, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Haden, Hancock, Howard, Hobbs, Jay, King, Larkins, Little, Maples, McClanahan, Odom, Pryor, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Woolsey.—37.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Bradley, Brown of Marion, Burgess, Clanton of Montgomery, Critcher, Dawson, Fowler, Garleck, Gilmore, Goode, Gra-

ham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Manasco, McBride, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Nicholson, Owen, Peddy, Pennington, Portis, Powell, Pynes, Reid, Rhodes, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams, Winston, Wright and Wood.—50.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

For the relief of Spencer Moore and Mareemia Kimsey.

To amend Section 8 of an act to incorporate the Alabama Dragoons and Montgomery Riflemen, approved February 18, 1854, and to pay the Montgomery Riflemen for Tents, accoutrements and camp equipages, &c.

To incorporate the Lyon Marine Fire Insurance Company.

To define more perfectly the duties of Tax Assessors in the county of Henry and Dale.

To compensate Jurors trying the right of property before Justices of the Peace, and to change the time of holding the Circuit Courts of Bibb and Autauga counties.

Also, to change the law in relation to county Surveyors and Coroners in the county of Dale. Amended as therein shown.

The hour of 1 o'clock having arrived, Mr. Nabors, entitled to the floor, the House adjourned until 3 o'clock this evening.

#### EVENING SESSION, December 10, 1855.

House met pursuant to adjournment and resumed the consideration of the bill making a loan to the Memphis and Charleston Railroad Company.

The hour of 5 o'clock having arrived, Mr. Speaker Walker entitled to the floor and Mr. Curry in the chair, the House adjourned till half past 9 o'clock to-morrow morning.

#### TUESDAY, December 11, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Speaker, laid before the House the report of the State Geologist, which on motion of

Mr. Cochran, was referred to committee on Agriculture, with instructions to print such parts or as many copies as they might deem sufficient.

*Mr. Jay*, moved to suspend the call of the counties, to take up the resolution offered on yesterday by *Mr. Curry*.

The House refused to suspend.

*Mr. Milligan*, introduced a bill to incorporate the Florida and Alabama Union Railway Company.

*Mr. Jay*, moved to suspend the call of the counties, to introduce a resolution.

Which motion prevailed.

*Resolved*, That the evening Sessions of this House be devoted to the consideration of reports from Standing committees and bills on their second reading, with a view to a reference to the appropriate committees.

Which was adopted.

*Mr. Graham*, introduced a bill to incorporate the Wetumpka Wharf Company.

*Mr. Ward*, of Dale :

A bill to establish a board of Physicians in the town of Newton, Dale county.

*Mr. Echols* :

A bill for the relief of certain persons therein named.

Also, a bill to change the name of Elizabeth A. Clutts, to that of Elizabeth A. Beagarly.

*Mr. Maples* :

A bill to repeal an act therein named and for other purposes.

*Mr. Sheffield* :

A bill to reduce the tax on Pedlars in Marshall and Blount counties.

The above bills were severally read and ordered to a second reading.

*Mr. Brown*, of Marion :

A bill to incorporate the Tuscumbia and Columbus Railroad Company, which was read and under a suspension of the constitutional rule was read second time and referred to the committee on Internal Improvements.

*Mr. Nabors* :

A bill to alter and amend Section 3046 of the Code, so far as relates to the county of Pickens, which was read and under a suspension of the constitutional rule, the bill was read second time and referred to the Judiciary committee.

*Mr. King*, presented the petition of various persons of Columbiana, Shelby county, upon retailing spirituous liquors within two miles of said town.

Said petition was referred to the committee on Propositions and Grievances.

Mr. Bishop, moved to suspend the call of the counties, to introduce a resolution.

Which motion prevailed.

*Resolved*, That the committee on Penitentiary, be instructed to inquire into the expediency of changing the labor in the Penitentiary in this State, so as to prevent the laborer there from being brought in competition with honest mechanics in this State, and that the committee report by bill or otherwise.

Which was adopted.

Mr. Shackelford, presented an account, which was referred to the committee on accounts.

Mr. Curry, from Select committee, to examine the offices of Comptroller of Public Accounts and State Treasurer, for the two fiscal years ending 30th September, 1855, having discharged that duty as required by Sections 35 and 36 of the Code, the reading of which, on motion of

Mr. Howard, was suspended with, and one hundred and thirty copies of said report ordered to be printed.

The Joint committee, composed of three members from each House, appointed to examine the offices of Comptroller of Public Accounts and State Treasurer, for the two fiscal years, ending 30th September, 1855, have discharged that duty, as required by Sections 35 and 36 of the Code, and instructed us to make the following report.

Your committee commenced the examinations with the office of State Treasurer for the period above mentioned, by carefully comparing the entries in his books, both of receipts and disbursements, with the certificates and warrants of the Comptroller, by which they were made, and found the same to agree. They also, examined and proved the extensions and additions in said books and found the same to be correct, and the receipts and disbursements for each fiscal year, to agree with the Treasurer's Biennial Report, made to the two Houses of the General Assembly, at the commencement of the present Session. They also ascertained, by an actual count of all the monies in the Treasury, that the same amounted to the balance contained in that report.

Your committee next examined the books and vouchers in the Comptroller's office for the same period, carefully comparing the entries with the vouchers for each fiscal year, as stated above, all of which, your committee believe to be strictly correct, and so far as could be ascertained in strict accordance with law.

Your committee then compared the receipts and disburse-

ments for the two fiscal years, ending as above stated, with the amounts for the same period, as shown in the books of the Treasurer's office and found them to agree exactly with each other.

Your committee found on comparing the cash balance on hand on the 30th September, 1855, as shown by the reports of the Comptroller and Treasurer, a difference of fourteen thousand five hundred and fifty-six 7-100 dollars, which upon examination, was found to result from a deficiency of that amount, which still remains due from S. G. Frierson, the late Treasurer, and which he failed to pay over to his successor on the 27th of January, 1848, the day on which the present Treasurer entered upon the duties of his office. In consequence whereof, your committee found that the balance remaining in the Treasury at the close of each fiscal year, as shown by the books in the Comptroller's office, has exceeded the actual balance remaining therein by the amount of said deficiency. All efforts to collect from the said Frierson, the balance due on his official bond, have failed, and in order to adjust and harmonize the balance in the two offices, your committee have instructed us to report the accompanying Preamble and Joint Resolutions, to adjust the cash balance in the office of Comptroller of Public Accounts, so as to correspond with the actual balance in the Treasury on the 30th September, 1855, and to recommend their passage.

Upon examination of the books and vouchers in the Treasurer's office, your committee find that the receipts during the fiscal year ending 30th September, 1854, were \$645,055 45  
That the balance in the Treasury 30th September, 1853, was 1,221,553 60

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\$1,866,569 05

That the disbursements during the fiscal year, ending 30th September, 1854, were 1,046,292 99

Leaving a balance in the Treasury, at the close of the fiscal year ending 30th September, 1854, of 820,276 06

That the receipts during the fiscal year, ending 30th September, 1855, were 715,236 59

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\$1,535,512 65

That the disbursements during the fiscal year, ending 30th September, 1855, were 341,780 22



Leaving a balance in the State Treasury at the close of the fiscal year ending 30th September, 1855, of	\$1,193,732 43
That the receipts from the 30th September, 1855, to the 28th November following, have been	39,689 54
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	\$1,233,421 97
That the disbursements from the 30th September, 1855, to 28th November following, have been	59,164 27
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Thus leaving a balance in the State Treasury on the 28th day of November, 1855, of	\$1,174,257 70
That your committee have carefully examined and counted the cash on hand on the 28th day of November, 1855, the day on which they closed the examinations and find the same amounts to be the sum of	\$1,174,257 70
The descriptions of funds found in the Treasury as follows, viz:	
In notes of the State Bank and Branches, which are sound and suitable for circulation	\$664,192 00
In notes of the State Bank and Branches, which are mutilated and unfit for circulation	136,402 00
In notes of State Bank and Branches, which are embraced in certificates of deposit in the Bank of Mobile,	54,000 00
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Total in notes of State Bank and Branches,	\$854,594 00
In notes of Bank of Mobile and Southern Bank of Alabama,	148,170 00
In certificates of deposit Bank of Mobile,	97,788 11
In notes of Bank of Montgomery,	22,594 00
In notes of Northern Bank of Alabama,	4,264 00
In Gold,	42,568 11
In Silver,	4,279 45
	<hr/>
	\$1,174,257 70

For the safe disposal of the mutilated notes of the State Bank and Branches, now in the State Treasury, amounting to the sum of one hundred and thirty-six thousand four hundred and two dollars, as shown in the preceding statement, your

committee have directed me to report the bill herewith and to recommend its passage.

Your committee would respectfully represent that the present salary of the State Treasurer is entirely inadequate to the labor performed and heavy responsibilities assumed by that officer in the discharge of his official duties. They have therefore directed us to report the bill herewith attached, to increase the salary of said officer and to recommend its passage.

Your committee are pleased to bear testimony, that whilst engaged the past three weeks, in the discharge of the labors connected with their examinations, each of the officers was prompt in affording all needed information and assistance to enable them with facility to advance their investigations.

R. M. PATTON,

Chairman of Senate Committee.

J. L. M. CURRY,

Chairman of House Committee.

Mr. Curry, introduced a joint resolution to adjust the cash balance in the office of Comptroller, so as to correspond with the actual balance in the Treasury on 30th September, 1855, which was read and under a suspension of the rule was read second and third times and passed.

Mr. Curry, introduced a bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches now in the Treasury, which was read and constitutional rule being suspended was read second time.

Mr. Goode, moved to amend by adding, and all other bills of the State Bank and Branches.

Mr. Curry, moved to lay the amendment on the table, and the yeas and nays called.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Crawford, Cochran, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Little, Maples, McBride, McClanahan, Moragne, Nicholson, Odom, Powell, Pryor, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey.—51.

Nays—Messrs. Acree, Alford, Barry, Browder, Beck, Brown of Marion, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, Menasco, McConnell, Milligan,

Miree, Moorer, Nabors, Owen, Peddy, Pennington, Portis, Pynes, Reid, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—42.

The amendment was laid on the table, and under a further suspension of the rule the bill was read third time and passed.

Mr. Curry, introduced a bill to increase the salary of the State Treasurer, which was read and the House refused the bill a second reading.

Mr. Curry, from joint committee, reported as follows :

The Joint committee of the Senate and House, to whom was referred the report of the "Commissioner and Trustee to close the affairs of the Bank," have considered so much of the report as relates to the sale of the stock held by the State in the Bank of Mobile and the delivery of dollar bonds, due in 1863 instead of sterling bonds due in 1859, and in order to effect a complete and satisfactory settlement between the State and the Bank, have agreed upon the following bill, which we are directed to report to the two Houses of the General Assembly and recommend its passage.

R. JEMISON,

Chairman of Senate committee

J. L. M. CURRY,

Chairman of House committee.

A bill amendatory of an act approved February 4, 1852, entitled an act to authorize the sale of stock held by the State in the Bank of Mobile, which was read and on motion of

Mr. Withers, the constitutional rule was suspended and the bill was read second and third times and passed.

Reports from Standing committees.

Mr. Jackson, from committee on Ways and Means, to which was referred the petition of David H. Perryman and others of Randolph county, have had the same under consideration and report it back to the House and recommend its reference to the Judiciary committee.

Report concurred in.

Also, to which was referred a bill to consolidate the offices of Tax Collector and Tax Assessor, has had the same under consideration and report that it is inexpedient to legislate on the subject.

The report was concurred in.

Also, a bill more effectually to assess the Tax of Tallapoosa county, report that it would be inexpedient to pass the bill.

Mr. Shackelford, moved to lay the report on the table,

which motion did not prevail and the report was concurred in.

Also, a bill to change the mode of assessing the Tax of Butler county, report it back to the House and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Beck, from the committee on Corporations, to whom was the referred bills to incorporate the Gainesville Insurance Company, have considered the same and report the bill back to this House without amendment and recommend its passage.

Mr. Gilmore, moved to suspend the constitutional rule, which motion prevailed and the bill was read third time and passed.

Also, a bill to incorporate the Tuskegee Insurance Company, report the same back with an amendment and recommend its passage. Amendment was adopted and constitutional rule suspended and the bill read third time and passed.

Also, a bill to repeal in part an act entitled an act, to incorporate the Pickens DeKalb Minute Men, report it back to the House and recommend its passage.

The bill was ordered to be engrossed.

Mr. Belser, moved a postponement of the special order for 11 o'clock to-day, it being the reports of bills relative to interest in this State, until Friday and made a special order for 11 o'clock on that day.

Which motion prevailed.

House resumed the consideration of the bill making a loan to the Memphis and Charleston Railroad Company; question being on the motion of Mr. Smith of Franklin, to fill the blank with three hundred and fifty thousand dollars.

Message from the Senate by Mr. Taul.

Mr. Speaker:

The Senate has originated and passed bills of the following titles:

To compensate Jurors and Constables in Justices Courts.

To repeal in part an act to amend the Charter of the Northern Bank at Huntsville, approved February 17, 1854, and to amend Section 1953 of the Code.

Also, House bills of the following titles:

To amend Section 3860 of the Code.

To establish a board of Physicians in the county of Shelby, and to amend Section 1872 of the Code.

Mr. Chapman, moved to suspend the rule of the House to-day in regard to the adjournment, so as to proceed with the

bill before the House, the motion was lost, and after much discussion upon the bill, the question being upon the motion to fill the blank with three hundred and fifty thousand dollars, and Mr. Graham entitled to the floor, the hour of one o'clock having arrived the House stood adjourned until half past 9 o'clock to-morrow morning.

WEDNESDAY, December 12th, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Speaker, laid before the House sundry records of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Portis, from committee on Enrolled Bills, reported the following as correctly enrolled:

A bill for the relief of Robert A. Johnston, Administrator, &c.

A bill for the protection of Telegraph lines and for other purposes.

A bill to amend Charter of the town of Tuskegee.

A bill to make Sarah Ann Clark, of the county of Morgan, a free dealer.

A bill to change the pay of Jurors in Butler county.

A bill to fix the pay of Probate Judges and Sheriffs of Fayette county.

A bill respecting the Mobile Bay Road Company.

A bill to locate permanently the seat of Justice in the county of Marion.

A bill for the relief of John Wilson and Charles P. Samuel.

A bill to regulate the drawing and paying Grand and Petit Jurors in the county of Hancock.

A bill to repeal an act therein named and for other purposes.

A bill to extend the jurisdiction of the Probate Court of Greene county.

A bill to amend the several acts incorporating the town of Tuscumbia, approved February 3, 1854.

A bill to authorize the Sheriff of Blount county, to execute constables duty in said county.

A bill to extend the time of holding the Circuit Court of Greene county.

A bill to divorce certain persons therein named.

A bill to repeal an act therein named.

A bill to amend in part an act incorporating the Tennessee and Alabama Central Railroad Company, approved December 19, 1853.

A bill to allow the Clerk of the Circuit Court of Perry county, longer time within which to issue Executions.

A bill to fix the pay of Judges and Sheriffs of Hancock county.

A bill supplementary to an act relating to the Burnt Records of Butler county, approved January 17th, 1854.

A bill to repeal Section 930 of the Code.

A bill to repeal Section 1162, so far as relates to the county of Macon.

A bill to divorce Gabriel Lovvum from his wife Mary Lovvum.

A bill requiring Justices of the Peace of Lowndes county, in their respective election Beats, to act as apportioners and supervisors of Roads and for other purposes.

To prevent the hunting of wild hogs in the county of Greene.

A bill to regulate Patrol duty in precinct No. 3, in the county of Tuskaloosa.

A bill to regulate the summoning of Jurors in the county of Marshall.

Mr. Wright introduced a bill to amend section 1008 of the Code of Alabama, so far as applies to Butler county.

Mr. McMullen :

A bill to authorize the Probate Judge and Commissioners of Roads and Revenue of Butler county, to lay off said county into four Commissioners' districts.

Mr. Taylor, of Chambers :

A bill to regulate the collection of claims when defendants have removed beyond the limits of the county.

Mr. Taylor of Chambers :

A bill to regulate the sale of patent medicines in this State.

Mr. Jones :

A bill to incorporate the Spring Hill Male and Female Academy in Marengo county.

Mr. McBride introduced a bill to repeal an act therein named.

Mr. Belser :

A bill for the relief of John Neblett.

Which bills were severally read and ordered to a second reading.

Mr. Belser presented sundry petitions, which were referred to the committee on Judiciary.

Mr. Pennington :

A bill to authorize the Commissioners' Court of Choctaw county, to establish an election precinct, which was read, and constitutional rule being suspended, was read second time and referred to committee on Privileges and Elections.

Mr. Beavers :

A bill to authorize the Governor to issue a patent to Terrell Gregory, which was read, and constitutional rule being suspended, was read third time and passed.

Mr. Brown, of Tuskaloosa :

A bill to regulate the admission of beneficiaries in the University of Alabama, which was read, and constitutional rule being suspended, was read second time and referred to committee on Education.

The House proceeded to the consideration of the bill to change the county boundaries of Hancock county, it being unfinished business, and the question being upon the adoption of the amendment offered by Mr. Jay on the 4th instant.

Mr. Smith, of Franklin, moved to postpone the bill and amendment until the second Monday in January, and make the bill and amendment special order for 11 o'clock.

Mr. Pennington moved to lay the amendment on the table, and the motion prevailed.

Mr. Jay moved to lay the bill on the table, and the yeas and nays were called.

Yeas—Messrs. Bradley, Brown, of Marion, Cunningham, Echols, Hobbs, Jay, King, Kirkland, Larkins, McBride, McClanahan, Mirce, Nicholson, Odom, Owens, Powell, Reid, Rhodes, Sanford, Smith, of Franklin, Thornton, Thorn, Ward of Cherokee, White, Wright—25.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Belser, Bishop, Brown of Tuskaloosa, Browder, Burgess, Camp, Chapman, Cochran, Crawford, Critcher, Davis, Dawson, Ellis, of Blount, Ellis, of Benton, Galloway, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Little, Lynch, Maples, Menasco, McMullen, Milligan, Moragne, Moorner, Nabors, Peddy Pennington, Portis, Pryor, Pynes, Rice, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Taylor, of Chambers, Taylor, of Coosa, Towles, Williams, Winston, Wood, Woolsey—59.

Message from the Senate.

Mr. Speaker :

His Excellency, the Governor, has approved a bill which originated in the House of Representatives, entitled an act to provide for the relief of census takers.

Mr. Cochran moved to suspend the special order for the hour of 11 o'clock, with a view of disposing of the bill under consideration.

The motion prevailed.

Mr. Smith, of Franklin, moved to amend, provided said territory shall not be ceded to Hancock county, unless by a vote of the majority of the people in said territory.

Mr. Smith, of Lauderdale, called the previous question, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Bishop, Brown, of Tuskaloosa, Browder, Burgess, Camp, Cochran, Crawford, Curry, Ellis, of Blount, Ellis, of Benton, English, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Little, Maples, Menasco, McConnell, Moragne, Milligan, Nabors, Pennington, Portis, Pynes, Rice, Shackelford, Smith, of Lauderdale, Smith, of Mobile, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Winston, Wood and Woolsey—42.

Nays—Messrs. Barry, Battle, Beavers, Beck, Belser, Bradley, Brown, of Marion, Critcher, Cunningham, Davis, Dawson, Echols, Galloway, Garleck, Gilmore, Goode, Hobbs, Jay, King, Kirkland, Larkins, McBride, McClanahan, McMullen, Miree, Moorer, Nicholson, Odom, Owen, Peddy, Powell, Reid, Rhodes, Sanford, Sheffield, Smith, of Franklin, Smith, of Randolph, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, White, Williams and Wright—45.

The previous question was not sustained.

The question then recurred upon the amendment of Mr. Smith, of Franklin, and the yeas and nays were called.

Yeas—Messrs. Barry, Battle, Bradley, Brown, of Marion, Byrne, Clanton, of Montgomery, Crawford, Cunningham, Dawson, Galloway, Gilmore, Hobbs, Jackson, Jay, King, Kirkland, Larkins, McBride, McClanahan, McConnell, Miree, Nicholson, Odom, Owen, Portis, Powell, Reid, Rhodes, Sanford, Sheffield, Smith, of Franklin, Smith, of Randolph, Taylor, of Chambers, Thornton, Thorn, Ward, of Cherokee, White and Wright—39.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Brown, of Tuskaloosa, Camp, Cochran, Critcher, Curry, Davis, Echols, Ellis, of Blount, English, Fowler, Garleck, Grubbs, Graham, Haden, Hancock, Howard, Jones, Little,



Lynch, Maples, Menasco, McMullen, Milligan, Moragne, Peddy, Pennington, Pynes, Rice, Smith, of Lauderdale, Staton, Sykes, Taylor, of Coosa, Towles, Winston, Wood, and Woolsey—42.

The amendment was lost.

The question was then upon ordering the bill to be engrossed for a third reading, and the yeas and nays were called.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Beck, Bishop, Brown, of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis, of Benton, English, Fowler, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Little, Lynch, Maples, Menasco, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pryor, Pynes, Rice, Shackelford, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Williams, Winston, Withers, Wood, Woolsey—57.

Nays—Messrs. Barry, Bradley, Brown, of Marion, Byrne, Clanton, of Montgomery, Cunningham, Dawson, Ellis, of Blount, Galloway, Garleck, Gilmore, Hobbs, Jay, King, Kirkland, Larkins, McBride, McClanahan, McConnell, Miree, Nicholson, Odom, Owens, Powell, Reid, Rhodes, Sanford, Sheffield, Smtih, of Franklin, Smith, of Randolph, Thornton, Thorn, Ward, of Cherokee, White, Wright—35.

The bill was then ordered to be engrossed.

The House then resumed the consideration of the bill to make a loan to the *Memphis and Charleston Railroad Company*, the question being to fill the blank.

Mr. Critcher moved to suspend the special order to allow time to introduce a bill.

The House refused to suspend.

Message from the Senate by *Mr. Taul*.

*Mr. Speaker* :

The Senate has passed a bill to amend the 17th paragraph of section 397 of the Code.

And bill from the House to change the time of holding the Circuit Courts of the counties of *Marshall* and *Jackson*.

The Senate has, also, reconsidered and passed a bill to incorporate the *Florence Synodical Female College*, said bill having been vetoed by the Governor.

Mr. Belser moved to postpone the veto of the Governor until half past 3 o'clock, P. M.

And the motion prevailed.

Mr. Chapman offered the following resolution, under a suspension of the rule :

*Resolved*, That a committee be appointed to wait on the Hon. John L. Manning, of South Carolina, now in this city, and invite him to take a seat in the bar of the House during his stay here.

Which was adopted.

Messrs. Chapman, Curry and Carpenter constituted said committee.

After some discussion upon the bill, the hour of 1 arrived.

Mr. Graham entitled to the floor.

The House adjourned until half past 3 o'clock this afternoon.

#### AFTERNOON SESSION, Dec. 12, 1855.

House met pursuant to adjournment.

Mr. Smith, of Franklin, moved to suspend the special order, to introduce the following resolution :

*Resolved*, That the discussion on the Memphis and Charleston Railroad bill shall close to-morrow at 12 o'clock, M., and the vote then be taken.

The House refused to suspend.

Mr. Maples moved to suspend the consideration of the special order to introduce the following resolution :

*Resolved*, That hereafter no member shall at any one time occupy the floor for a longer time than one hour.

House refused to suspend.

Mr. Smith, of Lauderdale, moved to postpone the consideration of the veto of the Governor in regard to the bill to incorporate the Florence Synodical Female Academy, until to-morrow morning, 10 o'clock. A. M.

The motion prevailed.

House then resumed the consideration of the bill to make a loan to the Memphis and Charleston Railroad, and the question being upon filling the blank with three hundred and fifty thousand dollars, the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Bradley, Brown, of Tuscaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis, of Blount, Ellis, of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, Odem, Powell, Pryor, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Winston, Withers, Woolsey—45.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton, of Montgomery, Cunningham,

Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, *Menasco*, *McBride*, *McConnell*, *McMullen*, Milligan, Miree, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Reid, Rhodes, Sanford, Shockleford, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, White, Williams, Wright, and Wood—46.

Mr. Towles moved to lay the bill on the table, and the yeas and nays were called, and the motion was lost.

Yeas 40 ; nays 53.

Those who voted in the affirmative are :

Messrs. Acree, Alford, Beavers, Beck, Brown, of Marion, Carpenter, Clanton, of Montgomery, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, *Menasco*, *McBride*, *McConnell*, *Milligan*, Nabors, Nicholson, Owen, Peddy, Pennington, Portis, Pynes, Shackleford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, White, Williams and Wood—40.

Nays—Messrs. Speaker, Barry, Battle, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis, of Blount, Ellis, of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, *McMullen*, Miree, *Moragne*, Moorer, Odom, Powell, Pryor, Reid, Rhodes, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Ward, of Cherokee. Winston. Withers, Wright, and Woolsey—53.

Mr. Belser moved to fill the blank with three hundred thousand dollars, and the yeas and nays were called.

Yeas 51 ; nays 41.

Yeas—Messrs. Speaker, Barry, Battle, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis, of Blount, Ellis, of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, *McMullen*, *Moragne*, Moorer, Odom, Powell, Pryor, Rice, Sanford, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Thornton, Thoru, Ward, of Cherokee, Winston, Withers, Wright, and Woolsey—51.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton, of *Montgomery*, Cunningham,

Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Miree, Nobors, Nicholson, Owen, Peddy, Pennington, Portis, Pynes, Reid, Rhodes, Shackelford, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Williams and Wood—41.

And the blank was filled with three hundred thousand dollars.

Mr. Chapman then called the previous question, and the yeas and nays demanded.

Yeas—Messrs. Speaker, Battle, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Ellis of Blount, Ellis, of Benton, Gallaway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanhan, McMullen, Odom, Powell, Pryor, Rhodes, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Winston, Withers and Woolsey—45.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton, of Montgomery, Cunningham, Echols, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Miree, Moorer, Nabors, Nicholson, Owen, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Boosa, Towles, Ward, of Dale, White, Williams, Wright and Wood—45.

Mr. Pennington offered the following amendment :

Strike out 1860 and insert 1858.

Mr. Smith, of Franklin, moved to lay the amendment on the table, and the yeas and nays were called.

Yeas—Messrs. Speaker, Barry, Battle, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis, of Blount, Ellis of Benton, Gallaway, Haden, Hancock, Hobbs, Howard, Jay, Larkins, Little Maples, McClanahan, McMullen, Moragne, Moorer, Powell, Pryor, Rhodes, Rice, Sheffield, Smith, of Franklin, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Winston, Withers, Wright and Woolsey—51.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown, of Marion, Carpenter, Clanton, of Montgomery, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones,

Kirkland, Lockett, Lynch, *Menasco*, *McBride*, *McConnell*, *Milligan*, *Miree*, *Nabors*, *Nicholson*, *Odom*, *Owens*, *Peddy*, *Pennigton*, *Portis*, *Pynes*, *Reid*, *Sanford*, *Shackleford*, *Smith*, of *Randolph*, *Taylor*, of *Chambers*, *Taylor*, of *Coosa*, *Towles*, *Ward*, of *Dale*, *Williams* and *Wood*—42.

The amendment was laid on the table.

Mr. Woolsey moved the previous question, and the yeas and nays called, the question being on ordering the bill to a third reading.

Pending which, the hour of 5 o'clock, P. M., arrived, and the House stood adjourned until to-morrow morning half past 9 o'clock.

THURSDAY, December 13, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Towles gave notice that he moved to add two other gentlemen to the committee on Agriculture.

Mr. Speaker laid before the House a census report from the county of Tallapoosa, and an apportionment, referred to committee on Census.

Also laid before the House sundry records of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Cochran introduced a bill for the relief of William T. Dewitt, of Barbour county.

Mr. Carpenter :

A bill, with a petition, to authorize A. M. Woods to erect gates across certain roads therein named.

A bill, relating to Guardians.

Mr. Cunningham introduced a bill to alter and amend the Dower law of this State, was read and ordered to a second reading.

Mr. Cochran :

A bill for the benefit of the Administrators of the estate of Caroline Key, late of Russell county, which was read, and under suspension of the constitutional rule, was read second and third times and passed.

Mr. Belser introduced a bill to incorporate the Commerce street Hotel Company of Montgomery, which was read, and under a suspension of the rule was read second time, and referred to committee on Corporations.

Mr. Critcher :

A bill to dispose of a portion of the two and three per cent. fund, which was read, and under a suspension of the rule,

read second time and referred to the committee on Internal Improvements.

*Mr. Pynes :*

A bill to authorize the voters of Henry county to locate the seat of justice in said county, and for other purposes, which was read, and under a suspension of the rule, was read second time and referred to the Judiciary committee.

*Mr. Pynes* presented various petitions on the same subject, which was referred to the same committee.

*Mr. Taylor*, of Coosa, asked leave of absence for the committee on Penitentiary until Saturday night, with a view of visiting that institution, which was granted.

Message from the Senate.

*Mr. Speaker :*

The Senate has adopted the following resolutions :

*Resolved*, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to make suitable arrangements for the Inauguration of the Governor on the 20th inst.

Messrs. H. C. Jones, Malone and Felder, composed the committee on the part of the Senate.

The hour of 10 o'clock having arrived, the House proceeded to the consideration of the Governor's veto to the bill to incorporate the Florence Synodical Female College.

Yeas 64 ; nays 23.

Reconsidered, and passed the bill by the necessary majority.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Bernhard, Brown, of Tuskaloosa, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis, of Blount, Ellis, of Benton, English, Fowler, Gilmore, Graham, Grubbs, Haden, Hobbs, Howard, Jay, King, Larkins, Little, Lynch, Maples, McBride, McClanahan, McMullen, Miree, Moorner, Nabors, Nicholson, Odom, Pennington, Portis, Pryor, Reid, Rhodes, Rice, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Taylor, of Chambers, Thornton, Towles, Ward, of Cherokee, White, Williams. Winston, Wright and Woolsey—64.

Nays—Messrs. Beavers, Beck, Belser, Bishop, Bradley, Brown, of Marion, Garleck, Goode, Hancock, Jackson, Kirkland, Lockett, Menasco, McConnell, Milligan, Moragne, Paddy, Pynes, Sanford, Smith, of Franklin, Taylor, of Coosa, Ward, of Dale, and Withers—23.

Mr. Gilmore introduced a bill to authorize certain persons to practice law in this State, which was read, and ordered to a second reading.

Reports from Propositions and Grievances :

Mr. Graham, from the committee on Propositions and Grievances, to whom was referred the petition and account and affidavit of John R. Robinson and George W. Cariker, have had the same under consideration, and report the accompanying bill, which was read, and ordered to a second reading.

Mr. Graham, from the same committee, to whom was referred the petition of Stephen M. Swain, asking compensation for arresting and bringing from the State of Mississippi to the city of Mobile, one Joseph Bolls, on charge of murder, have had the same under consideration, and report the accompanying bill, and recommend its passage, which was read, and ordered to a second reading.

Mr. Graham, from the same committee, to whom was referred the petition of Thomas L. Lock for compensation, for pursuing to Florida and arresting one S. M. W. D. L. Miller, upon a charge of murder, have had the same under consideration, and report the accompanying bill, and recommend its passage.

The bill was then read, and ordered to a second reading.

Mr. Graham, from the same committee, to whom was referred a bill to prevent camp hunting in Blount county, together with the amendment to the same, as well as the petition of the citizens of Coosa county, upon the same subject, have had the same under consideration, and report the accompanying substitute, and recommend its passage.

The question being upon adopting the substitute, the hour of 11 o'clock having arrived, there being a special order upon the bill making a loan to the Memphis and Charleston Railroad Company, and the question being upon the motion of Mr. Woolsey, made yesterday afternoon, for the previous question, the House proceeded to the consideration of the bill, and the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown, of Tuskalooza, Browder, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Ellis, of Blount, Ellis, of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, Little, Maples, McClanahan, Moragne, Odom, Powell, Pryor, Rice, Sheffield, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Thornton, Ward, of Cherokee, Winston, Withers and Woolsey—46.

Nays—Messrs. Acree, Alford, Barry, Beck, Brown, of Marion, Clanton, of Montgomery, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, King, Larkins, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Reid, Sanford, Shackleford, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Williams, Wright and Wood—44.

The House sustained the call for the previous question.

Mr. Woolsey moved to suspend the special order for this hour, it being the bill to incorporate the Western Bank, until Monday next, 17th instant.

Motion prevailed.

The House then resumed the consideration of the bill to make a loan to the Memphis and Charleston Railroad Company.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill with the following title :

To amend the charter of the Mississippi, Gainsville and Tuskalooza Railroad Company.

Message from the Governor :

Mr. Speaker :

His Excellency, the Governor, returns to the House of Representatives, in which it originated, accompanied with his objections thereto, a bill of the following title :

An act to authorize the Court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company.

J. D. CATLIN,  
Private Secretary  
of the Governor.

EXECUTIVE DEPARTMENT, December 13, 1855.

*To the House of Representatives :*

“The bill to authorize the County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company,” has received my deliberate consideration. It has presented no argument sufficient to carry conviction to my mind to justify a principle of legislation of doubtful constitutionality, and one establishing a most dangerous precedent.



The declaration of the bill, that "in pursuance of the wishes of the people of Limestone county, as expressed at an election held for that purpose, reaffirmed at the recent election for Representatives," does not show any principle or fact, farther than that a portion of the people, perhaps a majority of the voters, may favor such a proposition.

The Constitution does not confer on the people of a county such powers, even when the election is made directly on the approval of the proposition submitted. The legislative powers of the government do not abide in the people of a county only as a part of the body politic. If they do, why have not the people of Limestone county caused a subscription of stock to the road to be made, without the formality of passing a bill through the Legislature, and sending it to this department for approval? This bill not only authorizes but requires the Commissioners' Court to make a subscription of a certain sum to be collected from the individual tax payers of Limestone county, not only without the consent of many of the number, but forcing them to become stockholders in a private corporation against their wishes and contrary to their judgment.

It may be true, that a preponderance of judicial decisions may be found in favor of the constitutionality of the measure; but is equally true that able jurists and profound statesmen are firm in the conviction that such a forced law, or investment, is unwarranted by the Constitution, or by any legitimate influence from the principles of our government.

To the mere legal formalist, it may be sufficient that the weight of judicial decisions and precedents may be found to justify such legislation; but if we are to be the blind agents of precedents, all freedom and independence of thought and action are at an end. We shall have only to find what has been done and decide by the judiciary heretofore, and then follow in the beaten track. To the enlightened statesman and investigator of truth, belongs a higher duty, the duty of correcting errors, which, though consecrated by centuries of toleration, and backed and propped by a thousand precedents, are but errors still.

Judges elected by the popular vote, or holding their offices by a short tenure, engaged and interested in the popular measures of the day, which for a time may mislead and control the popular mind, are not, from the very nature of things, predisposed to make decisions contrary to the wishes of those who clothe them with authority and power, but the contrary. Too often we see the decision of courts so warped and shaped to conform to what may be the popular will at the time, to

entitle them to that unlimited confidence and implicit obedience which men, professional men, are disposed to demand for them.

As to the constitutionality or expediency of laws of this character, involving grave questions, I shall not adopt blindly as a rule of action, when there is so much conflict, the opinion of any one; but be governed by my own conviction of the power and propriety of legislation.

I hold it to be safe to assume that contested and doubtful constitutional powers should be exercised with great caution, and only in case of extreme necessity and emergency; but never when the tendency of their exercise is to abridge the right of the citizen, or to infringe on his natural rights in the free control and enjoyment of the fruits of his own industry and labor.

The constitution declares that private property shall not be taken for public use, except upon just compensation to the owner. Yet, this bill proposes to take private property for the use of private corporations, and to constitute a large number of the people of Limestone county, many of them minors and females, having no voice in the question, stockholders and copartners in a corporation against their will and consent, and, possibly, in direct conflict with their interest.

Those persons who will be thus forced to subscribe to the company, may have no interest in the enterprise or speculation, but it may be that they have already subscribed to the full extent of the means they can spare from the ordinary business of life to works of a similar character, the interest and income of which would be seriously prejudiced by the work they are so forced to become parties to.

It is a most dangerous policy to carry coercive governmental power over the property and private rights of the citizen, to the full extent of constitutional toleration; except in extreme cases, demanded imperatively by public necessity, each act of the kind becomes but the precedent and reason for some kindred subsequent act. From the frequent exercise of such power, with liberal and forced judicial construction, the public mind becomes confused, paralysed, and less able to distinguish what are the reserved rights of the citizen, or if indeed he have any, and less prompt to question the acts of the government, even in cases of palpable usurpation.

Under the influence of precedents, and a natural predisposition to yield to a supposed existing expediency, and to concur with the legislative will, the court will incline to sustain the exercise of doubtful power by the law-making depart-

ments, and so, from one act, carrying legislative power to the very verge of constitutional toleration, there is great danger that a succession of acts may follow, each going a little farther than the one preceding, and with only a slight distinction, until the constitutional limits are transcended ; and yet the courts approve and sustain them.

It becomes us, therefore, to pause on the threshold, in the adoption of a policy having such dangerous tendencies as show themselves in this bill, especially when there is no commanding and urgent necessity demanding its adoption.

It often becomes necessary for the legislator, in order to be controlled by the true principles of republican government, to go back and carefully examine and consider the nature and objects of the government, by whose authority he is acting. At no time more than the present has such a retrospection been more necessary and proper.

The idea seems to have found place in the minds of many, that the Legislature may do any thing not denied to it openly by the Constitution, and that the sovereignty of the State rests in the Legislature. All sovereignty is in the hands of the people, and not in the Legislature ; the people, in convention assembled, have not invested the Legislature with more of the elements of sovereignty than are necessary to carry on the general and simple operations of government, and a few other powers specially delegated.

The bill of Rights, section thirty, reads thus :

“ This enumeration of certain rights shall not be construed to deny or disparage others retained by the people : and to guard against any encroachments on the herein retained, or any transgression of any of the high powers herein delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate ; and that all laws contrary thereto, or to the following provisions, shall be void.”

If, however, it be not clear that the proper method of building railroads is not unconstitutional, but of doubtful constitutionality, it is better that those who are to be by such enactments carried into the partnership, shall have the benefit of the doubt ; and that the construction of railroads, as well as all other improvements of supposed public utility, be left to the slower and safe details of interest, rather than resort to the doubtful power of making the people involuntary builders. The spirit of internal improvement is already sufficiently active to dispense with the adoption of such coercive measures ; and the fact that no road has been built, or is an advanced

state of completion on the force of its own merits, should induce us to pause and to weigh well the opinions advanced as to the practicability of these undertakings. The most wild and chimerical ideas in regard to this and that project, as men were instructed, have been promulged and attempted to be sustained by sophism to entice the people into them, and to obtain the aid of the State.

The proposition in the bill involves a policy which might work the greatest injustice to a part of the people of the county to be affected by it. The geography and local divisions of the country may be such that a large and heavy tax-paying minority may be forced, by the means of Legislation, to pay for the construction of a road in which they have not only no interest, but the construction of which would result injuriously to them.

This may be called an extreme case. It may, or it may not be so. Justice and right, however, should be maintained in all legislation, even to extremity. Admit that, by judicial construction and legal precedent, the policy is not in conflict with the constitutional power of the Legislature, it does not follow that such a law should be enacted, or that it does not come in conflict with the legitimate and proper duties of a republican government.

The objects and purposes of such a government as ours, were intended to be few and simple. They are to protect every man in the legal pursuit of wealth and happiness, and in the enjoyment of the fruits of his own labors, and to protect the weak against the strong. Barriers and restrictions, by written constitutions, are provided to shield the minority against the capricious will of a majority. The idea, which is becoming too prevalent in the country, that a mere majority in a county or precinct may do what they please, either in the investment of capital or sanitary and sumptuary regulations, finds no warrant in the principles of our government; but, on the contrary, is destructive of all individual rights and personal liberty, and will end, if persisted in, in the destruction of society itself. It is simply the law of the strong against the weak. A majority may, with some show of justice, decide that it is prejudicial to the general interest for any one person to own more land than is absolutely needed for the maintenance of his family, whilst others have more, or only that of an inferior quality; but would it be right to act upon that decision and legislate for the majority? A majority of the people of Limestone county might decide the use of slaves in that county to be a public injury, and require its abolition.

They might also decide other measures equally an invasion of personal and private rights:

The proposition opens the door of radical agrarianism and anarchy, and to legislative and judicial confiscation of the labor and property of the individual for the use of others. It is an act of legislative usurpation, destructive of all government founded on justice, or any thing but a capricious despotism of the majority.

Plain people have been accustomed, heretofore, to consider that what they had worked to obtain was their own private property, and could only be taken from them for the public use on payment of full value. But if the principle of this bill be sound, a majority that can invest one per cent. of the property of a refusing minority, can invest the whole in any speculation they may decide the public good demands; and they who to-day were independent by their own industry, may to-morrow find themselves the owners of unprofitable railroad stocks, and liable for the debts and mismanagement of the directors of a company into which they have been drafted and made parties by compulsion.

The dangerous tendencies of such a law, and such innovations upon the principles of man's self-government, enlarged upon, would extend this communication to an unreasonable length. The experience of any State where this policy has been recognised and enforced, is conclusive against it. In the language of President Jackson, "in the best use of such appropriations, the abuses to which they lead far exceed the good they are capable of promoting. They may be resorted to as artful expedients to shift upon" parties not interested "the losses of unsuccessful speculation."

I am fully apprised of the readiness with which flippant and specious writers and orators are accustomed to denounce the free use of the veto power, conferred by the Federal and State Constitutions upon the Executive department of the Federal and State governments, and the gusto with which the outcry is raised of the "one man power, Executive dictation," &c., &c.; but the authors of the Federal and State Constitutions—the fathers of our system of free government—conceived it be a wholesome check on party and visionary legislation. In denouncing the exercise of the veto power with which the Executive thus is clothed to protect both the Constitution and the people, they denounce at the same time those who conferred the power. While I am not insensible to the applause or the censure of my fellow-citizens, and much desire to act in concurrence with the Representatives of the people, I have no

hesitancy in refusing my sanction to any law which, in my judgment, is so destructive of every principle of justice and sound expediency, having full confidence that whatever may be the success of a popular error for a time, the correctness of the position I take—withholding my approval to such an innovation—will soon be vindicated by the results, as well as by the popular judgment.

JOHN A. WINSTON.

Mr. Lynch moved to make the Message of the Governor special order for Tuesday at 10 o'clock, upon which motion there was some discussion.

When the hour of 1 o'clock having arrived, the house stood adjourned until to-morrow morning, half past 9 o'clock.

FRIDAY, December 14, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Fowler moved to suspended the business before the House, to allow the committee on Agriculture to report, which motion prevailed.

Mr. Towles made the following report, from the committee on Agriculture, to which was referred the memorial of N. W. Prince, has had the same under consideration, and report that it is inexpedient to legislate on the subject, as section 1014 of the Code amply provides for the object contemplated, by said memorial.

Said report concurred in.

Mr. Towles, from the same committee, to whom was referred the report of Professor Tuomy, reported joint resolutions upon the same, which were read, and ordered to a second reading.

Mr. Jackson moved to suspend the business before the House, with a view of concurring in the message from the Senate, which motion prevailed, and the House concurred in the resolution.

Messrs. Jackson, Davis and Thornton composed the committee on the part of the House.

Mr. Rice moved to suspend the business before the House, to make the following motion, which prevailed :

That he be discharged from acting upon the committee on Penitentiary, on account of his health, and that Mr. Camp be appointed in his place.

House proceeded to the consideration of the veto message from the Governor, upon the bill to authorize the Commissioners'

Court of Limestone county to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company.

The message was read, and

*Mr. Rice* moved to print 2000 copies, and to postpone the bill and message until 11 o'clock on Tuesday next.

A division of the question was called, and the question being upon printing 2000 copies, and the yeas and nays were called.

Yeas 25 ; nays 69.

Yeas—Messrs. Acree, Alford, Beavers, Burgess, Dawson, Garleck, Jackson, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Morange, Peddy, Portis, Rice, Shackelford, Smith, of Lauderdale, Smith, of Randolph, Taylor, of Chambers, Taylor, of Coosa, Towles and Winston—25.

Nays—Messrs. Speaker, Barry, Battle, Bernhard, Beck, Belser, Bishop, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis, of Blount, Ellis, of Benton, English, Galloway, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, Larkins, Little, Maples, McBride, McClanahan, Miree, Moorer, Nabors, Nicholson, Odom, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith, of Franklin, Smith, of Mobile, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, White, Williams, Withers, Wright, Wood and Woolsey—69.

The motion was lost.

*Mr. Lynch* moved to print 500 copies.

Said motion was lost.

*Mr. Lynch* then moved to print 133 copies, and called the yeas and nays.

Yeas—Messrs. Acree, Alford, Beavers, Beck, Bishop, Brown, of Marion, Burgess, Chapman, Dawson, Garleck, Goode, Hancock, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Morange, Nabors, Peddy, Portis, Rice, Shackelford, Smith, of Lauderdale, Smith, of Randolph, Taylor of Chambers, Taylor, of Coosa, Towles, Williams, Winston and Wood—36.

Nays—Messrs. Speaker, Barry, Battle, Bernhard, Belser, Bradley, Brown, of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis, of Blount, Ellis, of Benton, English, Fowler, Galloway, Gilmore, Graham, Grubbs, Haden, Hobbs, Howard, Jay, King, Larkins, Little, Maples, McBride, Mc-

Clanahan, Miree, Moorer, Nicholson, Odom, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Sheffield, Smith, of Franklin, Smith, of Mobile, Staton, Sykes, Thorton, Thorn, Ward, of Cherokee, Ward, of Dale, Withers, Wright and Woolsey—59.

The question then being upon the postponement, and the House refused to postpone.

The bill then being upon its passage, and the yeas and nays called.

The bill passed.

Yeas—Messrs. Speaker, Barry, Battle, Bernhard, Beck, Belser, Brown, of Marion, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis, of Blount, English, Fowler, Galloway, Gilmore, Goode, Graham, Grubbs, Haden, Hobbs, Howard, Jay, Jones, King, Larkins, Little, McBride, McClanahan, Miree, Nicholson, Odom, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Sheffield, Smith, of Franklin, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Thornton, Thorn, Ward, of Dale, White, Winston, Withers, Wright and Woolsey—62.

Nays—Messrs. Acree, Alford, Beavers, Bishop, Bradley, Chapman, Dawson, Ellis, of Benton, Garleck, Hancock, Jackson, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Moorer, Peddy, Pennington, Portis, Rice, Sanford, Shackelford, Smith, of Lauderdale, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Williams and Wood—33.

Mr. Wright introduced a bill to amend the Estray laws.

Mr. Sheffield introduced a bill to allow the clerk of the Circuit Court of Marshall county, ninety days within which to issue executions, and for other purposes.

Mr. Withers introduced a bill providing for Magistrates in the city of Mobile.

Mr. Howard introduced a bill to amend the charter of the Mobile Marine Dock and Mutual Insurance Company.

Mr. Nicholson introduced a bill to change the law as to liens of judgments issued from Justices courts.

Mr. Garleck introduced a bill to permit James G. Maul to practice law.

Which bills were read, and ordered to a second reading.

Mr. Jackson gave notice that he moved on to-morrow to introduce the following rule as an additional rule to the rules of the House :

Rule : Special order, if not reached or disposed of on the



day for which they are set, shall, without further order, hold for every succeeding day, at the same hour, until they are reached and disposed of, and shall be taken up whenever the business succeeding them is disposed of. In cases of conflict, that which was first made, shall have precedence.

Mr. Wright moved to suspend the call of the counties, so as to introduce the following resolution :

*Resolved*, That the House adjourn on Saturday, the 22d instant, at 1 o'clock, P. M., to meet again on the second Monday in January, 1856, at 10 o'clock, A. M., and the yeas and nays were called on the suspension of the rule.

The motion was lost.

Yeas—Messrs. Alford, Barry, Battle, Beavers, Bernhard, Byrne, Camp, Carpenter, Crawford, Cunningham, Davis, Fowler, Gilmore, Grubbs, Howard, Jay, Little, Lockett, Lynch, Milligan, Mirce, Moorer, Nicholson, Odom, Peddy, Pynes, Rhodes, Shackelford, Smith, of Franklin, Smith, of Randolph, Taylor, of Chambers, Towles, White, Wood and Woolsey—37.

Nays—Messrs. Speaker, Acree, Beck, Belser, Bishop, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Browder, Chapman, Cochran, Critcher, Curry, Dawson, Echols, Ellis, of Blount, Ellis, of Benton, Galloway, Garleck, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Morange, Nabors, Pennington, Powell, Reid, Remson, Rice, Sanford, Sheffield, Smith, of Lauderdale, Smith, of Mobile, Staton, Sykes, Taylor, of Coosa, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, Williams and Withers—55.

Mr. Sanford introduced a bill to repeal, in part, an act entitled an act in relation to Justices' Courts, and for other purposes, in certain counties therein named.

Mr. Sanford moved to suspend the constitutional rule, so as to give the bill a second reading forthwith.

Which motion was lost, and the bill was ordered to a second reading.

Mr. Milligan introduced a bill for the relief of Benj. F. Tucker, and others therein named, which was read, and on motion to suspend the rule, the House refused to suspend, and the bill was ordered to a second reading.

Mr. Withers introduced a bill supplemental to an act entitled an act to regulate the system of Public Schools in the county of Mobile. approved 16th January, 1854, which

was read, and under a suspension of the rule, was read second time, and referred to the committee on Education.

Mr. Pennington presented an account, which was referred to the committee on Accounts.

Mr. Milligan :

A petition, which was referred to the committee on Propositions and Grievances.

Mr. Echols :

A petition, which was referred to the Judiciary committee.

The hour of 11 o'clock having arrived, there being a special order for that hour,

Mr. Gilmore moved to suspend the special order to introduce a resolution.

The motion prevailed.

*Resolved*, That, with the concurrence of the Senate, the two Houses will proceed to elect Trustees for the University for the 7th and 9th Judicial circuits, to-day, at 12 o'clock, M., to fill the vacancies of the Hon. Turner Reavis and Alexander Bowie.

Which was adopted.

The House then proceeded to the consideration of the bill to make a loan to the Memphis and Charleston Railroad Company.

Mr. Sheffield, moved the previous question ; the question being on ordering the bill to a third reading.

Mr. Fowler, moved to postpone the further consideration of the bill until the second Monday in January, and the yeas and nays were called.

Yeas—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Critcher, Dawson, Echols, Fowler, Garlick, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Moorner, Nabors, Nicholson, Peddy, Pennington, Portis, Reid, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—42.

Nays—Messrs. Speaker, Barry, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Chapman, Cochran, Crawford, Curry, Cunningham, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Odom, Powell, Pryor, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton,

Sykes, Thornton, Thorn, Ward of Cherokee. Winston, Wright, Withers and Woolsey.—54.

The question then was upon the call for the previous question, and the yeas and nays called.

Yeas—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Howard, Hobbs, Jay, King, Larkins, Little, Maples, McClanahan, Miree, Odom, Powell, Pryor, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers and Woolsey.—50.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Reid, Sanford, Shackelford, Smith of Randolph, Taylor of Coosa, Towles, Ward of Dale, White, Williams, Wright and Wood.—46.

The bill was ordered to a third reading and the yeas and nays were called.

Yeas—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Howard, Hobbs, King, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Moorer, Odom, Powell, Pryor, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Wright, Withers and Woolsey.—55.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Reid, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—41.

Mr. Critcher, gave notice that he would move to reconsider the vote by which the House ordered the bill to a third reading.

Mr. Belser, gave notice to the House that he would move to lay the motion of Mr. Critcher on the table when made.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has reconsidered and passed the bill to incorporate the Huntsville Hotel Company, said bill having been vetoed by the Governor.

The Senate has also passed a bill for the relief of Jane Cothran, of the county of Perry.

A bill to increase the salary of the State Treasurer.

A bill to establish a Medical Board in the county of Chambers.

Mr. Belser, moved to suspend the business before the House to make a motion to postpone the interest bill until Wednesday next at 11 o'clock, A. M., and make it a special order for that hour.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate concurs in the resolution of the House, proposing to elect Trustees of the University to-day at 12 o'clock, M.

House then took an informal recess preparatory to going into the election for Trustees of the University.

House was called to order by Mr. Speaker, when the Senate appeared in the Hall of the House by invitation, and the two Houses in joint convention proceeded to the Election of Trustee for the University of the seventh Judicial Circuit, to fill the vacancy occasioned by the resignation of the Hon. Turner Reavis.

Hon. Thomas McPrince, of Choctaw county and W. L. Stancil, of Pickens, being in nomination.

Those who voted for Mr. McPrince, are Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Cocke, Felder, Gay, Gunn, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, Jones of Franklin, Lamar, Malone, Nelson, Patton, Peterson, Searcy and Taylor, of the Senate.—25.

Messrs. Speaker, Acree, Barry, Battle, Beavers, Bernhard, Beck, Belser, Bradley, Brown of Marion, Burgess, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Critcher, Cunningham, Davis, Dawson, Echols, Ellis of Blount, English, Galloway, Gilmore, Haden, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, McMullen, Milligan, Miree, Moragne, Moorner, Nicholson, Odom, Peddy, Powell, Pryor, Pynes, Reid, Rhodes, Sheffield, Smith of Franklin, Smith of

Mobile, Staton, Sykes, Thornton, Thorn, White, Withers, Wright and Woolsey of the House.—57—25 : 82.

Those who voted for Mr. Stancil, are Messrs. Jones of Fayette, Wilson of Jackson, of the Senate.—2.

Messrs. Alford, Bishop, Brown of Tuskaloosa, Carpenter, Crawford, Curry, Ellis of Benton, Fowler, Garleck, Goode, Graham, Grubbs, Hancock, Jackson, Jones, King, Kirkland, Lynch, Menasco, McBride, McConnell, Nabors, Pennington, Portis, Remson, Rice, Sanford, Shackelford, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams and Wood, of the House.—36—2 : 38.

Mr. McPrince having received a majority of all the votes cast was declared by Mr. Speaker, to be duly and constitutionally elected Trustee of the seventh Judicial Circuit, for the time prescribed by law.

The convention then proceeded to the election for the ninth Judicial Circuit.

Mr. James T. Brock, of Chambers county, being alone in nomination and having received all the votes cast, (one hundred and ten,) except Messrs. Beavers, Browder, Ellis of Blount, Fowler, who voted for Menasco, and Mr. Smith of Franklin, who voted for Mr. Brown of Marion.

Mr. Speaker, declared Mr. Brock elected Trustee of the University for the ninth Judicial Circuit, for the time prescribed by law.

The Senate then withdrew to their chamber and the House proceeded to the consideration of the Governors veto.

The bill to incorporate the Huntsville Hotel Company.

The veto message was read and the bill passed the House by a constitutional majority, yeas 54, nays 34.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Bernhard, Beck, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Chapman, Crawford, Critcher, Cunningham, Curry, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Gilmore, Grubbs, Haden, Howard, Hobbs, Jay, Jones, King, Larkins, Little, Maples, McBride, McClanahan, Miree, Nicholson, Odom, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Mobile, Sykes, Taylor of Chambers, Thornton, Thorn, White, Winston, Withers, Wright and Woolsey.—57.

Nays—Messrs. Beavers, Belser, Bradley, Brown of Marion, Burgess, Davis, Garleck, Goode, Graham, Hancock, Jackson, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Nabors, Peddy, Pennington, Portis, Rice,

Sanford, Shackelford, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, Williams and Wood.—34.

Mr. Jackson, from Select committee, composed of the delegations from Autauga and Dallas, to which was referred the bill to declare Jefferson M. Clay, a liner between the counties of Autauga and Dallas, and a citizen of Dallas county, have had the same under consideration and report the same back with an amendment as therein shown and recommend its passage as amended.

The amendment was adopted and the bill ordered to be engrossed.

Mr. Belser, by leave of the house made the following report:

The committee on Judiciary, to whom was referred a former report of said committee and accompanying papers with instructions to lay before the House as early as practicable, a bill or joint resolution, for a call of a convention of the people of this State, to revise the Constitution thereof on the second Monday in November, 1856, to provide for the number and election of Delegates thereto, and for the final ratification or rejection of the constitution, which said convention may adopt on the first Monday in August, 1857, report for the consideration of the House a set of joint resolutions, pending the consideration of which, the hour of 1 o'clock arrived and the House stood adjourned till 3 o'clock, P. M.

#### AFTERNOON SESSION, December 14, 1855.

Mr. Speaker, laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Jackson, moved to suspend the regular order of business, to introduce the following resolution:

*Resolved*, That the Clerk of the House be authorized to employ an Assistant Clerk, at a cost not to exceed five dollars until otherwise ordered, said resolution was adopted.

On motion of Mr. Belser, the regular order of business was suspended in order to take up the joint resolutions in relation to a call of a State Convention, and 133 copies of said resolution ordered to be printed for the use of the House.

Mr. Moragne, moved to postpone their further consideration until the first Monday in January.

Mr. Davis, moved to lay the motion on the table, and the yeas and nays were demanded.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle Bernhard, Beck, Belser, Bishop, Browder, Burgess, Byrne, Camp,

Chapman, Crawford, Curry, Davis, Grubbs, Haden, Hancock, Jackson, Larkins, Little, Lynch, Maples, McBride, McMullen, Milligan, Miree, Nicholson, Odom, Peddy, Pennington, Powell, Pryor, Pynes, Reid, Remson, Shackelford, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Ward of Dale, White, Winston, Withers, Wright and Woolsey.—50.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Brown of Tuskaloosa, Carpenter, Critcher, Fowler, Galloway, Garleck, Gilmore, Goode, Jay, Jones, Kirkland, Lockett, Menasco, McClanahan, McConnell, Moragne, Nabors, Portis, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Wood.—33.

Motion prevailed.

Mr. Reid, from the Select committee to which was referred a bill to change the time of holding the Circuit Courts of the counties of Bibb and Autauga, reported back the same with an amendment thereto and a substitute for the first Section thereof.

Said amendment and substitute was adopted and the constitutional rule being suspended said bill as amended was read third time forthwith and passed.

Mr. Cochran, from Select committee, to which was referred a bill for the relief of certain persons therein named, reported a substitute for said bill.

Said substitute was adopted and the constitutional rule being suspended, said bill was read third time forthwith and passed.

Yeas 55. nays 34.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Beavers, Beck, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Cochran, Critcher, Curry, Davis, Galloway, Goode, Graham, Grubbs, Hobbs, Howard, Jackson, Jones, Larkins, Little, Lockett, Lynch, Maples, McBride, Milligan, Miree, Moorer, Nabors, Peddy, Pennington, Portis, Pryor, Pynes, Reid, Remson, Shackelford, Sheffield, Smith of Lauderdale, Smith of Mobile, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Towles, Williams and Winston.—55.

Nays—Messrs. Bradley, Belser, Bishop, Carpenter, Chapman, Crawford, Cunningham, Fowler, Garleck, Haden, Hancock, Jay, Kirkland, Menasco, McClanahan, McConnell, McMullen, Moragne, Odom, Nicholson, Powell, Rhodes, Rice, Sanford, Smith of Franklin, Sykes, Thorn, Ward of Dale, White, Withers, Wright and Wood.—34.

Mr. Jay, moved to suspend the regular order of business,

to offer a resolution in regard to duelling, the yeas and nays being demanded, the House refused to sustain the motion.

Yeas 12, nays 78.

Yeas—Messrs. Barry, Garleck, Grubbs, Haden, Jay, Kirkland, Larkins, McBride, Moorer, Smith of Franklin, and Woolsey.—12.

Nays—Messrs. Speaker, Acree, Alford, Battle, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Fowler, Galloway, Gilmore, Goode, Graham, Hancock, Hobbs, Howard, Jackson, Little, Lockett, Lynch, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Mirce, Moragne, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Shackelford, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, White, Williams, Winston, Withers, Wright and Wood.—78.

Mr. Fowler, gave notice that he would on to-morrow offer the following resolution :

*Resolved*, That the Rule of this House requiring this House to adjourn at 1 o'clock, P. M., shall only apply to the days on which Evening Sessions are held.

On motion of Mr. Menasco, the Engrossed bill to divorce John Sullivan from his wife Sarah Sullivan, was read third time and passed.

Mr. Graham, from the committee on Propositions and Grievances, to which was referred the petition of Gideon Morgan, Sarah Elizabeth City, and others, asking the passage of a law legalizing the marriage of Gideon Morgan and Elizabeth City, reported adversely thereto.

Mr. Graham, from the same committee to which was referred the bill to make Sarah Ann Green, of the county of Montgomery, a free dealer, reported adversely thereto.

Mr. Graham, from the same committee to which was referred the bill for the protection of builders and mechanics in Dallas county, reported back the same with an accompanying petition, and ask that the same be referred to the committee on Judiciary.

Said reports were severally concurred in.

Mr. Graham, from committee on Propositions and Grievances to which was referred the petition of William Lecroy, of Coosa county, reported back a bill to be entitled an act for the



relief of William Leeroy, report concurred in and said bill was read and ordered to a second reading.

Mr. Galloway, from the same committee to whom was referred the petition to prohibit the sale of spiritous liquors within three miles of the town of Monroeville and Philadelphia Church, in Monroe county, reported back a bill in relation thereto.

Report concurred in and said bill was read and ordered to a second reading.

Mr. Lynch, from same committee to whom was referred the bill to be entitled an act to incorporate and aid the Alabama Female Infirmary, reported adversely thereto.

Mr. Taylor of Chambers, from committee on Accounts, to which was referred the bill to pay Goldsberry Ray, a certain sum, &c., reported adversely thereto.

Mr. Taylor, from the same committee to whom was referred the petition of William S. Averett, late Tax Collector of Dallas county, reported the same back and asked its reference to the committee on Propositions and Grievances, and the committee be discharged from the further consideration of the same.

Mr. Taylor, from the same committee, reported adversely to the claim of J. P. Anderson.

Said reports were severally concurred in.

Mr. Nabors, from committee on Divorce and Alimony, to which was referred the bill to change the name of Sarah Cone, reported back the same without amendment.

Said bill was ordered to be engrossed.

Mr. Nabors, from the same committee to whom was referred sundry records of divorce, reported back a bill to be entitled an act, to divorce Hulda Johnson from her husband Spencer Johnson and other persons therein named.

Also, a bill to be entitled an act to divorce William B. Wilson, from his wife Sarah J. Wilson, and other persons therein named.

Reports were severally concurred in and the bills severally read and ordered to a second reading.

Mr. Nabors, from the same committee to whom was referred the record of divorce in the case of Middleton Dubose against Susan Dubose, reported adversely thereto.

Mr. Pennington, moved to lay the report on the table.

Mr. Nabors, from the same committee to whom was referred the record of divorce in the case of Belenda Massee vs. Samuel Massee, reported adversely thereto.

Reports severally concurred in.

Mr. Nabors, from the committee on Divorce and Alimony, to which was referred a record of divorce in the case of Margaret E. Man against Laurens L. Man, reported adversely thereto.

Mr. Jay, moved to recommit the same with instructions to report a bill; also to lay the report on the table.

Said motion prevailed.

Mr. Taylor of Chambers, from committee on Accounts, to which was referred sundry accounts and petitions, reported a bill in relation thereto, entitled an act for the benefit of certain persons therein named.

Also, a bill entitled an act for the benefit of certain persons therein named.

Said bills were severally read and ordered to a second reading.

Mr. Galloway, from committee on Privileges and Elections, to whom was referred a bill to change the time of holding the general elections, &c., reported adversely thereto.

Mr. Fowler, moved to recommit said bill to a Select committee of one from each Judicial Circuit.

Mr. Staton, moved to lay said motion on the table, and the motion prevailed.

Mr. Smith of Mobile, to lay the report on the table.

Said motion was lost.

Yeas 23, nays 62.

Yeas—Messrs. Barry, Beavers, Bernhard, Bradley, Browder, Byrne, Camp, Crawford, Dawson, Fowler, Gilmore, Hobbs, Howard, Jay, Miree, Odom, Reid, Smith of Mobile, White, Withers, Wright and Wood.—23.

Nays—Messrs. Speaker, Acree, Alford, Beck, Belser, Bishop, Brown of Marion, Brown of Tuscaloosa, Burgess, Chapman, Clanton of Montgomery, Cunningham, Curry, Ellis of Blount, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Menasco, Jackson, Jones, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Hancock, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pynes, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale and Winston.—62.

The report was concurred in.

Mr. Menasco, from committee on Military, to whom was referred a bill to repeal the military laws, &c., reported adversely thereto.

Mr. Brown of Marion, moved to lay said report on the table.

Motion lost and report concurred in.

Mr. Menasco, from committee on Roads, Bridges and Ferries, to which was referred a bill for the filling of vacancies in the office of overseers, &c., reported the same back without amendment; and the said bill was ordered to be engrossed.

Also, adversely to a bill to be entitled an act in relation to fines imposed on road defaulters.

Report concurred in.

The House resumed the consideration of the report of the committee on Propositions and Grievances; the bill in regard to Camp Hunting, and the petition of sundry citizens of Coosa county, upon the same subject, and on motion the bill and petition was laid on the table.

House adjourned until to-morrow morning half past 9 o'clock.

SATURDAY, December 15, 1855

House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Cochran moved to suspend the reading of the Journal to take up orders of the day.

And the motion prevailed.

Mr. Jackson moved to take up the rule offered by him yesterday.

Motion prevailed, and the rule was adopted.

Mr. Jackson gave notice that he would offer the following resolutions:

*Resolved*, That the afternoon session of this House be devoted exclusively to the consideration of bills upon their second and third reading.

*Resolved*, That it shall require a vote of two-thirds to suspend the regular order of business.

Mr. Speaker laid before the House sundry records of divorce which was referred to the committee on Divorce and Alimony.

Mr. Fowler moved to take up the following resolution:

That the rule of this House to adjourn at 1 o'clock, p. m., shall only apply to those days on which evening sessions are held.

Mr. Towles moved to lay said resolution on the table.

Carried.

Mr. Pennington moved to suspend the regular order of bus-

iness, to take from the table the record of divorce in the case Dubose vs. Dubose.

Motion prevailed, and said record referred to the committee on Divorce and Alimony.

Mr. Belser moved to reconsider the vote by which the report of the committee on Accounts was concurred in, in regard to the bill to pay Goldsberry Ray a certain sum of money, for provisions and forage furnished the United States mounted troops during the war with the Creek Indians, in 1837.

The motion prevailed.

Engrossed bills :

To change the manner of appointing overseers of roads in Marion and Walker counties.

To divorce Daniel Cannon from his wife Jane Cannon.

To divorce Nancy Sanderson from her husband Alexander J. Sanderson.

To incorporate the Medical College at Mobile.

To revise an act therein named, and for other purposes.

To prevent more effectually the commission of the offences of burglary and theft in this State.

To shorten the sessions of the Legislature one month.

Were severally read third time and passed.

The engrossed bill to prevent the burning of the roads in the counties of Henry, Dale and Conecuh, was read.

Mr. Staton moved to amend by engrossed ryder.

Mr. Taylor, of Chambers, moved to amend by engrossed ryder.

Mr. Rhodes moved to amend by engrossed ryder.

Mr. Davis moved to lay the bill and engrossed ryders on the table.

Lost.

Mr. Davis then moved to re-commit the bill and amendments to the committee on the Judiciary.

Carried, and the bill referred accordingly.

The engrossed bill to allow exccutors and administrators discretionary power in certain cases, was read third time and passed.

Mr. King moved to suspend the rule to take up joint resolutions for printing and distributing the report of the State Geologist.

Rule suspended.

Mr. Thornton moved to strike out 3000, where the same occurs, and insert 5000.

The House refused to strike out.

Mr. Cochran moved to amend by excepting the State of Massachusetts, to come in in the last section of the bill.

Mr. Towles moved to lay the amendment on the table.

Lost.

Yeas 28 ; nays 60.

Yeas—Messrs. Alford, Barry, Battle, Beck, Belser, Bishop, Bradl y, Byrne, Carpenter, Chapman, Crawford, Critcher, Echols, Fowler, Galloway, Garleck, Gilmore, Howard, Larkins, McConnell, Odom, Powell, Reid, Rhodes, Sanford, Taylor, of Chambers, Towles, White and Winston—28.

Nays—Messrs. Speaker, Acree, Beavers, Bernhard, Brown, of Marion, Brown, of Tuskaloosa, Browder, Camp, Cochran, Curry, Dawson, Ellis, of Blount, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jay, Jones, King, Nicholson, Little, Lockett, Lynch, Menasco, Morange, McBride, McClanahan, McMullen, Milligan, Miree, Menasco, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Shackelford, Sheffield, Smith, of Franklin, Smith, of Mobile, Smith, of Randolph, Staton, Sykes, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, Williams, Withers, Wright, Wood and Woolsey—60.

The amendment was adopted, and under a suspension of the rule, the bill, as amended, was read third time and passed.

The engrossed bill, for the better protection of our miners in this State, was read third time.

Mr. Staton moved to lay the bill on the table.

Lost.

Yeas—31 ; nays 57.

Yeas—Messrs. Barry, Beavers, Bernhard, Bishop, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Camp, Critcher, Dawson, Ellis, of Blount, Grubbs, King, Kirkland, Larkins, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Reid, Sanford, Shackelford, Sheffield, Smith, of Randolph, Staton, Ward, of Cherokee—31.

Nays—Messrs. Speaker, Acree, Alford, Battle, Belser, Browder, Burgess, Byrne, Carpenter, Chapman, Cochran, Crawford, Curry, Davis, Echols, Fowler, Galloway, Garleck, Gilmore, Goode, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Maples, Milligan, Miree, Moragne, Nabors, Nicholson, Odom, Pennington, Portis, Powell, Pynes, Remson, Rhodes, Rice, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Chambers, Thornton, Thorn, Towles, Ward, of Dale, White, Williams, Winston, Withers, Wright, Wood and Woolsey—57.

Mr. Reid moved to re-commit the bill, with instructions to report on amendment.

Mr. Echols moved to lay the motion on the table.

Carried.

Mr. Camp moved to make the further consideration of the bill a special order for Thursday next.

The House refused to postpone.

And the question being on the passage of the bill, the same was passed.

Yeas 57; nays 34.

Yeas—Messrs. Speaker, Acree, Alford, Battle, Belser, Browder, Burgess, Byrne, Chapman, Cochran, Crawford, Curry, Davis, Echols, Fowler, Galloway, Gilmore, Goode, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Lockett, Maples, Milligan, Moragne, Moorer, Nicholson, Odom, Portis, Powell, Pynes, Remson, Rhodes, Rice, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Sykes, Taylor, of Chambers, Thornton, Thorn, Towles, Ward, of Dale, White, Williams. Winston, Withers, Wright and Wood—57.

Nays—Messrs. Barry, Beavers, Bernhard, Bishop, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Camp, Carpenter, Critcher, Dawson, Ellis, of Blount, Garleck, Grubbs, King, Kirkland, Larkins, Little, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Nabors, Peddy, Reid, Sanford, Shackelford, Sheffield, Smith, of Randolph, Staton and Ward, of Cherokee—34.

Engrossed bill, for the benefit of Robert K. Freeman, of St. Clair county, was read third time and lost.

The engrossed bills:

To authorize Justices of the Peace to have certain attachments executed;

To amend section 1065 of the Code;

An act relating to the government and revenue of Mobil county;

An act to repeal, in part, an act entitled an act to incorporate the Pickens DeKalb Minute Men;

An act to change the mode of assessing the tax of Butler county;

Were severally read the third time and passed.

The bill to authorize the Governor to appoint a person to act as his private Secretary, and as a Police officer for the State Capitol, State Librarian, and other purposes, was read third time and passed.

Yeas 54; nays 35.

Yeas—Messrs. Speaker, Acree, Bernhard, Beck, Belser, Bishop, Browder, Byrne, Carpenter, Chapman, Crawford, Curry, Davis, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Kirkland, Lockett, Lynch, Maples, McBride, Milligan, Moragne, Nabors, Nicholson, Pennington, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Rice, Shackelford, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Williams, Winston, Withers and Wood—54.

Nays—Messrs. Alford, Beavers, Bradley, Brown, of Marion, Brown, of Tuskaloosa, Camp, Critcher, Dawson, Echols, Ellis, of Blount, Gilmore, Jay, King, Larkins, Little, Menasco, McClanahan, McConnell, McMullen, Miree, Odom, Reid, Sanford, Sheffield, Smith, of Franklin, Staton, Sykes, Taylor, of Chambers, Thornton, Thorn, Towles, Ward, of Cherokee, Ward, of Dale, White and Wright—35.

Bill passed.

The bill to change the county boundary of Hancock, was read third time.

Mr. Curry in the chair, and the yeas and nays called on the passage of the bill.

Yeas 46 ; nays 36.

Affirmative—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Brown, of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Cochran, Crawford, Curry, Davis, Ellis, of Blount, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Little, Lynch, Maples, Menasco, Milligan, Morange, Peddy, Pennington, Portis, Pryor, Pynes, Remson, Rice, Shackelford, Smith, of Lauderdale, Taylor, of Chambers, Sykes, Towles, Winston, Withers and Wood—46.

Negative—Messrs. Barry, Bradley, Brown, of Marion, Critcher, Echols, Galloway, Garleck, Gilmore, Hobbs, Jay, King, Kirkland, Larkins, Lockett, McBride, McConnell, McMullen, Miree, Nabors, Nicholson, Odom, Powell, Reid, Rhodes, Sanford, Sheffield, Smith, of Randolph, Thornton, Thorn, Ward, of Cherokee, Ward, of Dale, White, Williams, and Wright—36.

It appearing from the journal of the General Assembly, of 1828, and the succeeding session, that no action was had by them arranging and designating the boundaries of the counties affected by the bill under consideration, the Chair decided that a simple majority was sufficient to pass the bill.

Mr. Brown, of Marion, appealed from the decision of the Chair, upon the grounds that a bare majority was not suffi-

cient to pass the bill, and the decision of the Chair was not sustained.

Yeas 43 ; nays 45.

**Affirmative**—Messrs. Speaker, Acree, Beavers, Brown, of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Cochran, Davis, Ellis, of Blount, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Little, Lockett, Lynch, Maples, Milligan, Peddy, Pennington, Portis, Pynes, Remson, Reid, Shackelford, Smith, of Lauderdale, Smith, of Randolph, Sykes, Taylor, of Chambers, Towles, Winston and Wood—43.

**Negative**—Messrs. Alford, Barry, Battle, Beck, Belser, Bishop, Bradley, Brown, of Marion, Byrne, Chapman, Crawford, Critcher, Echols, Gilmore, Howard, Jay, Jones, Kirkland, Larkins, Menasco, McBride, McClanahan, McMullen, McConnell, Miree, Moragne, Nabors, Nicholson, Odom, Powell, Reid, Rhodes, Sanford, Sheffield, Smith, of Franklin, Staton, Thornton, Thorn, Ward, of Cherokee, White, Williams, Withers and Wright—45.

The House refused to pass the bill.

Mr. Jackson moved to suspend the regular order, to take up the message from the Senate.

House refused to suspend.

Mr. Withers moved to suspend the business before the House, to take up the Senate bill, to renew the loan to the Mobile and Ohio Railroad Company, and make it the special order for Tuesday next, 18th instant, at quarter past 11 o'clock.

There being some objection, Mr. Withers withdrew the motion.

Thereupon, Mr. Howard renewed the motion.

The bill was read the second time, and made the special order for that time and day.

Mr. McConnell moved to reconsider the vote from the decision of the Chair, in regard to the bill to change the county boundary of Hancock county, which motion was postponed until Tuesday next, and made the special order for 10 o'clock for said day.

The bill, declaring Jefferson M. Clay a liner between Autauga and Dallas counties, and a citizen of Dallas county, was read third time, and lost.

Yeas 23 ; nays 56.

**Affirmative**—Messrs. Byrne, Crawford, Critcher, Curry, Davis, Howard, Jackson, Larkins, Little, Menasco, McBride,



Mirce, Nicholson, Portis, Pryor, Remson, Sheffield, White, Winston and Woolsey—23.

Negative—Messrs. Alford, Battle, Beck, Belser, Bradley, Brown, of Marion, Brown, of Tuscaloosa, Browder, Camp, Carpenter, Chapman, Cochran, Echols, Ellis, of Blount, Fowler, Galloway, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Jones, King, Kirkland, Lockett, Lynch, Maples, McChanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Odom, Peddy, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Shackelford, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Staton, Taylor, of Chambers, Thornton, Thorn, Towles, Ward, of Cherokee, Ward, of Dale, White, Winston and Woolsey—56.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

To authorize the Commissioners' Court of Madison and Jackson counties pay to certain persons for certain services therein mentioned ;

And to amend the charter of the Montgomery and West Point Railroad Company.

Also, House bills of the following titles :

To divorce Cornelia Brennard from her husband John E. Brennard, and other persons therein named.

An act amendatory of an act, approved 4th of February, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile.

To authorize the court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, which bill was vetoed by the Governor.

Also, joint resolutions to adjust the cash balance in the office of Comptroller, so as to correspond with the actual balance in the Treasury, on the 30th September, 1855.

Mr. Sanford moved to suspend the business before the House, to introduce the following resolution :

*Resolved*, That, with the concurrence of the Senate, the two Houses of the General Assembly will adjourn *sine die* on the 25th day of January, 1856, in which the concurrence of the Senate is requested.

The yeas and nays were called on the motion to suspend, and before the vote was taken, the hour of 5 o'clock having arrived, the House stood adjourned until Monday morning, half past 9 o'clock.

MONDAY, December 17, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Withers moved to suspend the regular order of business, to withdraw the message from the Senate, in regard to the joint resolutions for the printing and distribution of the report of the State Geologist.

Motion prevailed.

Mr. Withers moved to take up the Resolution just withdrawn from the Senate.

Also, to reconsider the vote by which the joint resolutions were passed.

Carried.

Also, to reconsider the vote on the adoption of the amendment offered by Mr. Cochran.

Carried.

The hour of 11 o'clock having arrived, for which there being a special order—the Western Bank bill.

Mr. Reid, moved to suspend the special order to dispose of the joint resolutions in regard to the Geological report, and the motion prevailed.

Mr. Towles withdrew the motion to lay the amendment offered by Mr. Cochran, on the table.

Mr. Menasco, renewed the motion, and the yeas and nays were called.

Lost.

Yeas 37, nays 55.

Yeas—Messrs. Alford, Battle, Beck, Belser, Bradley, Burgess, Byrne, Chapman, Crawford, Cunningham, Curry, Ellis of Benton, Fowler, Galloway, Garleck, Goode, Howard, Jay, King, Kirkland, Larkins, Menasco, McClanahan, McConnell, Moragne, Odom, Powell, Reid, Rhodes, Sanford, Taylor of Chambers, Thorn, Towles, White, Winston, Wood and Woolsey.—37.

Nays—Messrs. Speaker, Beavers, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Dawson, Ellis of Blount, English, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, Little, Lockett, Lynch, Maples, McBride, McMullen, Milligan, Miree, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Pryor, Pynes, Remson, Rice, Shackelford, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Sykes, Thornton, Ward of Dale, Ward of Cherokee, Williams, Withers and Wright.—55.

Mr. Rhodes, moved to amend by adding, and all other States which have interfered with the institution of slavery in the South.

Adopted.

Yeas 67, nays 26.

Yeas—Messrs. Speaker, Acree, Alford, Alston, Barry, Beavers, Beck, Bishop, Brown of Marion, Brown of Tuscaloosa, Burgess, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Davis, Dawson, Ellis of Benton, Ellis of Blount, English, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, Little, Lockett, Lynch, Maples, Menasco, McBride, McMullen, Milligan, Moragne, Miree, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Pryor, Pynes, Remson, Rhodes, Rice, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Thornton, Ward of Cherokee, Williams, Winston, Withers and Wright.—67.

Nays—Messrs. Belser, Bradley, Byrne, Chapman, Crawford, Curry, Fowler, Galloway, Howard, King, Kirkland, Larkins, McClanahan, McConnell, Odom, Powell, Reid, Sanford, Staton, Taylor of Chambers, Thorn, Towles, Wood and Woolsey.—26.

The constitutional rule was suspended, and the bill as amended was read third time and passed.

Yeas 79, nays 16.

Yeas—Messrs. Speaker, Acree, Alford, Alston, Barry, Battle, Beavers, Bishop, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, English, Galloway, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Remson, Rice, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Thornton, Thorn, Towles, Ward of Cherokee, White, Williams, Winston, Withers and Wright.—79.

Nays—Messrs. Beck, Belser, Bradley, Fowler, Jay, Kirkland, Larkins, Odom, Reid, Rhodes, Sanford, Staton, Taylor of Chambers, Ward of Dale, Wood and Woolsey.—16.

Mr. Powell, moved to reconsider the vote by which the bill

for the protection of male minors was passed, and the yeas and nays demanded.

The motion prevailed.

Yeas 53, nays 32.

Yeas—*Messrs.* Speaker, Acree, Barry, Battle, Beavers, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Byrne, Camp, Chapman, Curry, Dawson, Ellis of Benton, Ellis of Blount, Garleck, Gilmore, Goode, Grubbs, Hobbs, King, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McClanahan, McMullen, Miree, Moorer, Nabors, Nicholson, Peddy, Pennington, Powell, Pryor, Reid, Remson, Sanford, Shackelford, Sheffield, Smith of Randolph, Staton, Sykes, Thorn, Ward of Cherokee, White and Wright.—53.

Nays—*Messrs.* Alford, Belser, Clanton of Montgomery, Crawford, Cunningham, Davis, Galloway, Graham, Haden, Hancock, Howard, Jones, Maples, Milligan, Moragne, Odom, Portis, Pynes, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Thornton, Towles, Ward of Dale, Williams, Winston, Withers, Wood and Woolsey.—32.

*Mr.* Staton, moved to suspend the call of the counties, to enable him to make a report from the committee on Internal Improvements.

Motion prevailed, and said bill made the special order for the 7th day of January next.

*Mr.* Graham, moved a further suspension of the call of the counties, to take up orders of the day, and the motion was lost.

*Mr.* McMullen, moved to suspend the special order, to offer a resolution.

*Resolved*, That the Senate concurring, the two Houses of the General Assembly will adjourn on Saturday, the 22d day of December, inst., to meet again on the 7th day of January, 1856.

*Mr.* Menasco, moved to amend as follows:

Provided, no member shall be entitled to any per diem pay or mileage, during such recess or adjournment.

*Mr.* Jay, moved to lay the resolution and amendment on the table.

*Mr.* Smith of Franklin, called for a division of the question, and the question was first upon laying the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 58, nays 35.

**Yeas**—Messrs. Speaker, Acree, Alford, Alston, Battle, Beck, Belser, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Curry, Davis, Dawson, Ellis of Benton, English, Fowler, Galloway, Gilmore, Graham, Haden, Hancock, Howard, Jay, Jones, King, Kirkland, Larkins, Lockett, Lynch, Maples, McBride, McClanahan, Nicholson, Odom, Peddy, Powell, Pynes, Reid, Remson, Rhodes, Rice, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Thornton, Ward of Dale, White, Withers and Woolsey.—58.

**Nays**—Messrs. Barry, Beavers, Bradley, Brown of Marion, Burgess, Cunningham, Ellis of Blount, Garlick, Goode, Grubbs, Hobbs, Jackson, Little, Menasco, McConnell, Milligan, Moragne, Moorner, Nabors, Portis, Pryor, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Thorn, Towles, Ward of Cherokee, Williams, Winston, Wright and Wood.—35.

Question was then upon laying the resolution on the table. Carried.

**Yeas** 51, **nays** 42.

**Yeas**—Messrs. Speaker, Alston, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Chapman, Cochran, Crawford, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garlick, Graham, Haden, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Larkins, Little, Maples, Menasco, McBride, McConnell, McClanahan, Milligan, Moragne, Nabors, Pennington, Portis, Reid, Rice, Sanford, Sheffield, Staton, Sykes, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams.—51.

**Nays**—Messrs. Acree, Alford, Barry, Battle, Beck, Belser, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Dawson, Gilmore, Goode, Howard, Jones, Lockett, Lynch, McMullen, Miree, Moorner, Nicholson, Odom, Peddy, Powell, Pryor, Pynes, Remson, Rhodes, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, White, Winston, Withers, Wright, Wood and Woolsey.—42.

**Mr. Jay**, moved to suspend the special order, to take from the table the record of divorce, *Mann vs. Mann*, for the purpose of recommitting it with the testimony, to the committee on Divorce and Alimony, which motion prevailed.

**Mr. Jackson**, moved to suspend the special order, to take up the rule offered by him on Saturday last.

*Motion lost.*

*Mr. King*, moved to suspend the special order, to make a motion to send the joint resolutions providing for the printing and distributing of the Geological Report to the Senate.

Which motion prevailed, and the resolutions sent accordingly.

*Mr. Cunningham*, moved to suspend the special order, to enable him to introduce a bill ;

Also, to enable Messrs. Bishop and Camp, to introduce bills.

Motion prevailed.

Thereupon, *Mr. Cunningham*, introduced a bill for the relief of the Executors of the last Will and Testament of James Blackman, deceased.

Which was read and under a suspension of the rule, was read second time and referred to the committee on Judiciary.

*Mr. Bishop*, also by leave introduced the following bills :

To amend section 183 of the Code.

To declare Major Beavers, a liner between the counties of Talladega and Benton and a citizen of Talladega.

Which were severally read and ordered to a second reading.

*Mr. Camp*, by leave introduced a bill to lay off the county of Jefferson into four Commissioners Districts, which was read and under a suspension of the rule, was read second and third times and passed.

*Mr. Rhodes*, moved to suspend the special order, to allow him to introduce a bill ;

Also, to enable Messrs. Remson, Milligan, Rice, McMullen and Staton, to introduce bills.

*Mr. Rhodes*, thereupon by leave, introduced a bill relative to the duties of overseers of public roads in Pike county, which was read and constitutional rule being suspended, was read second time and on motion of

*Mr. McBride*, referred to a special committee, composed of the delegation from Pike county.

The hour of 1 o'clock having arrived, the House stood, adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION, December 17, 1855.

House met pursuant to adjournment.

*Mr. Jackson*, moved to suspend the business before the House, to take up the rule, that the Afternoon Sessions be devoted exclusively to the consideration of bills upon their second

and third readings, and that it shall take a vote of two-thirds to suspend said regular order of business; special orders for Morning Sessions shall thereby have a priority in the Afternoon Sessions.

Mr. Curry, moved to amend by adding messages from the Senate.

Mr. Davis, moved to amend by striking out bills on their third reading.

Motion lost, and the rule as amended by Mr. Curry, was adopted.

Protest of Mr. Fowler.

The undersigned having voted in the negative on the proposition to except Massachusetts and other Northern States, from the States to which the Governor shall transmit copies of the State Geologist, and as that vote is susceptible of serious misconstructions, permission is asked to spread the following reasons therefor, upon the Journals of the House. That the intention of this vote was not to encourage the fanaticism of Northern Abolitionist, because the undersigned did not think the Legislature of Alabama should condescend to notice in this manner, the crazy ebullition of Northern fanatics. The undersigned heartily concurs in the Southern censure upon Massachusetts, for the resistance of the Fugitive Slave Law, and of all other Abolition agitation at the North. But regarding such Legislation as this, as undignified, improper, inadequate to the purpose sought and fraught with dangerous tendency, protest against it.

W. H. FOWLER.

Message from the Senate.

Mr. Speaker:

The Senate has originated and passed bill of the following titles:

To amend the Charter of the town of Eutaw, in the county of Greene.

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House, the two Houses will adjourn on Friday next, at 3 o'clock, P. M., and meet again on the 7th day of January next, at 10 o'clock, A. M., and all references, bills, orders, special orders and all business generally of the two Houses, or either of them, unfinished on Friday next, shall remain in effect, to be taken up on and after that day in their regular order.

On motion, the regular order was suspended to take up the message just read.

Mr. Curry, moved to amend by striking out all after the

word resolved, and insert that the Senate concurring, the two Houses of the General Assembly will adjourn *sini die*, on the 20th of January, 1856.

Mr. Shackelford, moved to lay the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 48, nays 42.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Battle, Beavers, Belser, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, English, Galloway, Gilmore, Goode, Haden, Howard, Jones, King, Lockett, Lynch, McBride, McClanahan, Milligan, Nicholson, Odom, Peddy, Portis, Powell, Pynes, Rhodes, Rice, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Ward of Dale, Winston, Withers, Wood and Woolsey.—48.

Nays—Messrs. Bishop, Bradley, Brown of Marion, Burgess, Crawford, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Grubbs, Hancock, Hobbs, Jackson, Jay, Kirkland, Larkins, Little, Maples, Menasco, McConnell, McMullen, Mirce, Moragne, Moorner, Nabors, Pennington, Pryor, Reid, Remson, Sanford, Sheffield, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Cherokee, White, Williams and Wright.—42.

Mr. Jackson, moved to amend as follows:

Provided that no member or officer of the Legislature, shall receive mileage or per diem during said interval between 21st of December and 7th of January.

Mr. Davis, moved to lay the amendment on the table, and the yeas and nays were called.

Yeas 53, nays 37.

Carried.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Crawford, Davis, Dawson, Ellis of Blount, English, Fowler, Galloway, Gilmore, Goode, Grubbs, Haden, Howard, Jay, Jones, King, Kirkland, Larkins, Lockett, Lynch, Maples, McBride, McClanahan, Milligan, Nicholson, Odom, Peddy, Pennington, Portis, Powell, Pynes, Rhodes, Rice, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Ward of Dale, White, Withers, Wright and Woolsey.—53.

Nays—Messrs. Alston, Beavers, Bishop, Bradley, Brown of Marion, Burgess, Clanton of Sumter, Cunningham, Curry,



**Ellis** of *Blount*, **Garleck**, **Hancock**, **Hobbs**, **Jackson**, **Little**, **Menasco**, **McConnell**, **McMullen**, **Miree**, **Moragne**, **Moorer**, **Nabors**, **Pryor**, **Reid**, **Remson**, **Sanford**, **Sheffield**, **Smith** of **Randolph**, **Staton**, **Sykes**, **Taylor** of **Coosa**, **Towles**, **Ward** of **Cherokee**, **Williams**, **Winston** and **Wood**.—37.

**Mr. Jackson**, moved to amend by striking out the 7th of January, and insert 31st of December, 1855.

**Mr. Shackelford** moved to lay the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 65 ; nays 25.

Yeas—Messrs. **Speaker**, **Alford**, **Battle**, **Bernhard**, **Belser**, **Bishop**, **Brown**, of **Tuskaloosa**, **Browder**, **Byrne**, **Camp**, **Carpenter**, **Clanton**, of **Montgomery**, **Clanton**, of **Sumter**, **Crawford**, **Cunningham**, **Dawson**, **Echols**, **Ellis**, of **Blount**, **Ellis**, of **Benton**, **English**, **Fowler**, **Goode**, **Grubbs**, **Haden**, **Hobbs**, **Howard**, **Jones**, **King**, **Kirkland**, **Larkins**, **Little**, **Lockett**, **Lynch**, **Maples**, **McBride**, **Milligan**, **Morange**, **Miree**, **Moorer**, **Nicholson**, **Odom**, **Peddy**, **Pennington**, **Powell**, **Pynes**, **Reid**, **Remson**, **Rhodes**, **Rice**, **Sanford**, **Smith**, of **Franklin**, **Smith**, of **Mobile**, **Smith**, of **Randolph**, **Smith**, of **Lauderdale**, **Staton**, **Sykes**, **Taylor**, of **Chambers**, **Ward**, of **Dale**, **Williams**, **Winston**, **Withers**, **Wright**, **Wood** and **Woolsey**—65.

Nays—Messrs. **Acree**, **Alston**, **Barry**, **Beavers**, **Bradley**, **Brown**, of **Marion**, **Davis**, **Galloway**, **Garleck**, **Gilmore**, **Hancock**, **Jackson**, **Jay**, **Menasco**, **McClanahan**, **McConnell**, **McMullen**, **Nabors**, **Portis**, **Pryor**, **Sheffield**, **Taylor**, of **Coosa**, **Thorn**, **Towles** and **Ward**, of **Cherokee**—25.

**Mr. King** moved to amend by Striking out 7th January, 1856, and inserting 27th December, 1855, at 10 o'clock, A. M.

**Mr. Smith**, of **Lauderdale**, called the previous question.

**Mr. Curry** moved to postpone the further consideration of the Senate resolution until the 10th day of January, 1856, which was withdrawn by **Mr. Curry**, and renewed by **Mr. Davis**, and the yeas and nays called.

Lost.

Yeas 46 ; nays 40.

Yeas—Messrs. **Speaker**, **Acree**, **Alston**, **Barry**, **Beavers**, **Bishop**, **Bradley**, **Brown**, of **Marion**, **Burgess**, **Cochran**, **Curry**, **Davis**, **Ellis**, of **Blount**, **Ellis**, of **Benton**, **Galloway**, **Garleck**, **Graham**, **Hancock**, **Hobbs**, **Jackson**, **Jay**, **King**, **Larkins**, **Maples**, **Menasco**, **McBride**, **McConnell**, **McMullen**, **Moragne**, **Moorer**, **Nabors**, **Pennington**, **Reid**, **Remson**, **Rice**, **Sanford**, **Sheffield**, **Staton**, **Sykes**, **Taylor**, of **Coosa**, **Thorn**, **Towles**,

*Ward, of Dale, Ward, of Cherokee, Williams and Wright—46.*

**Nays**—Messrs. Battle, Bernhard, Beck, Belser, Brown, of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Clanton, of Montgomery, Clanton, of Sumter, Crawford, Cunningham, Dawson, Echols, English, Fowler, Gilmore, Goode, Grubbs, Haden, Howard, Jones, Kirkland, Little, Lockett, Lynch, McClanahan, Milligan, Miree, Nicholson, Odom, Peddy, Portis, Powell, Pryor, Pynes, Rhodes, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, White, Winston, Withers, Wood and Woolsey—49.

And the call of the previous question was sustained.

The question then was upon the adoption of the Senate resolutions, and the yeas and nays were called.

Lost.

Yeas 46 ; nays 47.

**Yeas**—Messrs. Battle, Bernhard, Belser, Brown, of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Clanton, of Montgomery, Clanton, of Sumter, Crawford, Cunningham, Dawson, English, Fowler, Gilmore, Goode, Grubbs, Howard, Jones, Little, Lockett, Lynch, McClanahan, Milligan, Miree, Nicholson, Odom, Peddy, Portis, Powell, Pryor, Pynes, Rhodes, Shackelford, Smith, of Franklin, Smith, of Lauderdale, Smith, of Mobile, Smith, of Randolph, Taylor, of Chambers, White, Winston, Withers, Wood, Woolsey—46.

**Nays**—Messrs. Speaker, Acree, Alford, Alston, Beavers, Bishop, Bradley, Brown, of Marion, Cochran, Curry, Davis, Echols, Ellis, of Blount, Ellis, of Benton, Galloway, Garleck, Graham, Haden, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Larkins, Maples, Menasco, McBride, McConnell, McMullen, Moragne, Nabors, Pennington, Reid, Remson, Rice, Sanford, Sheffield, Staton, Sykes, Taylor, of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams and Wright—47.

Mr. Remson moved to suspend business before the House to introduce a bill.

The House refused to suspend.

Mr. Carpenter moved to suspend special order, to take up the Senate bill to amend the charter of the town of Eutaw, in the county of Greene.

The House refused to suspend.

Mr. Haden gave notice that he would move to reconsider the vote by which the House refused to concur in the resolution of the Senate.

*Mr. Curry* moved to reconsider said vote, and to lay said vote on the table.

*Mr. Davis* moved to lay the motion to reconsider said vote on the table, and the yeas and nays were called.

Lost.

Yeas 36 ; nays 52.

Yeas—Messrs. *Acree, Alford, Bishop, Bradley, Brown, of Marion, Cochran, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Graham, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Larkins, Menasco, McBride, McConnell, McMullen, Morange, Nabors, Pennington, Reid, Rice, Sanford, Sheffield, Staton, Taylor of Coosa, Thorn, Ward of Cherokee, Ward of Dale*—36.

Nays—Messrs. *Barry, Battle, Beavers, Bernhard, Belser, Beck, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Dawson, English, Echols, Fowler, Gilmore, Goode, Grubbs, Haden, Howard, Jones, Little, Lockett, Lynch, Maples, McClanahan, Milligan, Miree, Nicholson, Odom, Peddy, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Shackelford, Smith of Lauderdale, Smith of Mobile, Smith of Franklin, Smith of Randolph, Taylor of Chambers, White, Winston, Withers, Wood and Woolsey*—52.

The question then was upon the reconsideration of the vote, by which the House refused to concur in the resolution of the Senate to adjourn on 21st instant.

Carried.

Yeas 47 ; nays 41.

Yeas—Messrs. *Barry, Battle, Beck, Bernhard, Belser, Brown of Tuskaloosa, Browder, Byrne, Carpenter, Clanton, of Montgomery, Clanton of Sumter, Crawford, Dawson, Echols, English, Fowler, Gilmore, Goode, Grubbs, Howard, Jones, Little, Lockett, Lynch, McClanahan, Miree, Nicholson, Odom, Peddy, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Shackelford, Smith of Franklin, Smith of Mobile, Smith of Randolph, Taylor of Chambers, White, Winston, Withers, Wood and Woolsey*—47.

Nays—Messrs. *Acree, Alford, Beavers, Bishop, Bradley, Brown of Marion, Cochran, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Graham, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Larkins, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Pennington, Reid, Rice, Sanford, Sheffield, Staton, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale*—41.

The House then concurred in the resolution of the Senate.

Yeas 48 ; nays 38.

Yeas—Messrs. Acree, Barry, Battle, Bernhard, Beck, Belser, Brown of Tuskaloosa, Byrne, Camp, Clanton of Montgomery, Clanton of Sumter, Crawford, Dawson, English, Fowler, Gilmore, Goode, Grubbs, Howard, Jones, Little, Lockett, Lynch, McClanahan, Milligan, Miree, Nicholson, Odom, Peddy, Portis, Pryor, Pynes, Remson, Rhodes, Shackelford, Smith of Lauderdale, Smith of Randolph, Smith of Mobile, Smith of Franklin, Taylor of Chambers, White, Winston, Withers, Wood and Woolsey—48.

Nays—Messrs. Alston, Beavers, Bishop, Bradley, Brown of Marion, Cochran, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Graham, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Larkins, Maples, Menasco, McBride, McConnell, Moragne, Nabors, Pennington, Reid, Rice, Sanford, Sheffield, Staton, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, and Ward of Dale—38.

The House then proceeded to the consideration of the special order, it being the bill to incorporate the Western Bank of Alabama.

Mr. Woolsey moved to amend the caption and 7th section, by striking out Western where it occurs, and insert Commercial, so as to read Commercial Bank of Alabama, which was adopted.

Mr. Woolsey moved to amend the 3d section by striking out all after the enacting clause, and insert in lieu thereof, the following :

That the subscription to the stock of said Bank, which may be obtained by the Commissioners, shall be payable after the election of Directors, and in such times and instalments as the Directors may appoint, giving thirty days' notice thereof, by advertisements in newspapers published in the county where the Bank may be located ; any stockholder may pay in advance the whole or any portion of his subscription, and in such cases interest shall be equalized with the other stockholders on equitable principles.

Adopted.

Mr. Woolsey moved to amend further 4th section, by making a full stop immediately after the words "to commence banking operations as aforesaid," and striking out the word "of," immediately following, and insert in lieu thereof the word "if."

Adopted.

Mr. Woolsey moved to amend further the 9th section, by striking out the word "of" where it occurs in the line immediately after the words, "the said *Board* so elected and appointed by the Governor," and insert in lieu thereof the word "if."

Adopted.

Mr. Woolsey moved to amend rule 1st, by adding thereto, immediately after the word "discounts," the words "excepting notes of the denomination of ten dollars or upwards."

Pending the adoption of which, the hour of 5 o'clock, p. m., arrived, and the House stood adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, December 18, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The journal of yesterday was read.

Mr. Chapman moved to suspend the call of the counties.

Carried.

The Senate bill to change the name of the *Bascom Female College*, located at Huntsville, under a suspension of the constitutional rule, was read the second and third times and passed.

Mr. Carpenter moved to suspend regular orders.

Carried.

And the Senate bill to amend the charter of the town of *Eutaw*, in the county of *Greene*, was read, and under a suspension of the rule, was read the second and third time and passed.

Mr. *Byrne* introduced a bill to consolidate the offices of Judge of Probate and Clerk of the Circuit Court of *Baldwin* county, which was read and ordered to a second reading.

Mr. *Staton* presented the petition of sundry citizens of *Blount* county, asking the passage of a law prohibiting the citizens of other counties bringing their stock into *Blount* county, which was referred to the committee on Propositions and Grievances.

Mr. *McMullen* introduced a bill regulating the interest on money loaned by guardians for their wards.

Mr. *Taylor of Chambers*, introduced a bill to extend the provisions of chapter 1st, section 13 of the Code.

Mr. *Milligan* introduced a bill to authorize the election of an additional constable in beat No. six, in the county of *Coffee*.

Also, a bill to authorize Daniel Roberts to erect a gate across a public road therein named.

Which were severally read and ordered to a second reading.

Mr. Sanford introduced a bill to amend the Common School law in this State, which was read, and constitutional rule being suspended, was read the second time and referred to the committee on Education.

The hour of 10 o'clock having arrived, the House proceeded to the consideration of the special order of the hour, it being the reconsideration of the vote, in regard to the decision of the Chair, on the bill to change the county boundaries of Hancock county.

Mr. Winston moved to suspend the further consideration of the order until the call of the counties should be finished.

Carried.

Mr. Woolsey presented the petition of citizens from township 17, range 8, in Dallas county, which was referred to committee on Sixteenth Sections.

Mr. Winston presented the petition from William Kimzey, and others, of DeKalb county, which was referred to select committee composed of the delegates from DeKalb county.

Mr. Winston introduced a bill establishing a Captain's beat on the Sand Mountain, in DeKalb county, which was read, and the constitutional rule being suspended, was read the second and third time forthwith, and passed.

Mr. Pynes presented the petition of Thomas Tipton Smith, and sundry other citizens of Henry county, asking the passage of a law submitting the question of the removal of the Court House of said county to the people, which was referred to the committee on the Judiciary.

Mr. Haden introduced a bill to authorize the removal of the administration of the estate of William J. Sanders from Jackson to Madison county, which was read, and the constitutional rule being suspended, was read the second and third time forthwith and passed.

Mr. Alston presented the account of James Kent of Marengo county, which was referred to the committee on Accounts.

Also, the petition of W. B. Modowell, and sundry other citizens of the town of McKinley and vicinity, upon the subject of prohibiting the sale of spirituous liquors in said town.

Also, the petition of E. Hosea, and sundry other citizens of Marengo county, upon the same subject.

Also, the petition of Polly Bryan of said county, in regard to emancipation, &c., of a slave man, Lorenzo Dow.

Also, the petition of E. F. Mortemere, and sundry other citizens of Marengo county.

Which were severally referred to the committee on the Judiciary.

Mr. Rice presented the memorial of S. S. Banks, which was referred to the committee on Accounts and Claims.

Mr. Rice introduced a bill to incorporate the village of Hamburg, and for other purposes, which was read, and the constitutional rule being suspended, the same was read the second time, and the House refused to suspend to give the bill a third reading.

Mr. Smith of Lauderdale, moved its reference to the committee on the Judiciary.

Lost.

And on motion of Mr. Reid, it was referred to the committee on Propositions and Grievances.

Mr. Speaker laid before the House sundry records of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Carpenter moved to send to the Senate, forthwith, the bill amending the charter of the town of Eutaw, in Greene county.

Carried.

And said bill was sent accordingly.

Mr. Nabors introduced a bill in relation to township 24, range 1, East, lying in Pickens county.

Mr. Rhodes introduced a bill to authorize the Commissioners' Court of Pike county, to appoint one or more Assistant County Surveyors in said county.

Mr. Remson to authorize Thomas C. Brown to practice law in the several counties in this State.

Mr. Remson introduced a bill to establish two places of holding elections in district No. two, in Talladega county, which was read, and the rule being suspended, the same was read the second time, and referred to the committee on Privileges and Elections.

Also, by Mr. Remson, a bill to amend section 3049 and 3050 of the Code, which was read and referred to the committee on the Judiciary.

Mr. Shackelford presented the account of M. A. Ridgeway, which was referred to the committee on Accounts and Claims.

Mr. Menasco presented the following protest:

Whereas, by resolution, it has been determined to adjourn

this House from the 22d day of this month, until the 7th day of January, 1856 ; and while the undersigned was, and is now, in favor of an adjournment for two or three days, during the Christmas holidays, he protests against the payment of mileage to the members during said adjournment, because he believes the allowance or payment to be illegal and contrary to the laws of the State.

He believes said adjournment will not meet the approbation of the people of this State, if per diem or mileage, or either, is allowed, and that would be subversive of the interest of the State and in violation of the laws. He, therefore, asks this, his protest, be entered upon the journal.

JOHN MENASCO.

December 18, 1855.

Mr. Jackson, from the joint committee of the two Houses, appointed to make arrangements for the inauguration of the Governor elect, on the 20th instant, reported that the committee had discharged that duty, and had instructed him to report thereon in conformity with the wishes of his Excellency :

The two Houses being assembled in the Hall of the House of Representatives, at 12, M., on the day designated, the committee will escort the Governor elect to the Speaker's chair, when he will receive the oath of office, and deliver his inaugural address.

Mr. Towles moved to suspend regular order to take up the bill authorizing the Probate Court of Chambers county to grant letters of administration on the estate of W. H. Atkins, &c.

Motion prevailed.

And the bill was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Mr. Echols, moved to suspend further the special order, to take up the bill to incorporate East Alabama Insurance Company at Auburn, in Macon county.

Prevailed.

And said bill was read the second time and constitutional being suspended, was read the third time and passed.

The House proceeded to the reconsideration of the vote, on refusing to pass the bill changing the county boundaries of Hancock county.

Mr. Thornton, desired to discuss the question.

The House refused to allow a discussion, and the question



being upon the reconsideration of the said vote, the yeas and nays were called.

Yeas 46, nays 37.

Those who voted in the affirmative, are

Messrs. Speaker, Acree, Beavers, Bishop, Brown of Tuska-loosa, Burgess, Camp, Carpenter, Chapman, Clanton of Sum-ter, Cochran, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Goode, Graham, Grubbs, Haden, Hancock, Jack-son, Little, Maples, McConnel, Milligan, Moragne, Penning-ton, Portis, Peddy, Pryor, Pynes, Remson, Rice, Shackleford, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Towles, Winston, Withers, Wood and Woolsey.—46.

Those who voted in negative, are

Messrs. Alford, Barry, Battle, Beck, Browder, Brown of Marion, Byrne, Crawford, Cunningham, Dawson, Echols, Gilmore, Hobbs, Howard, Jay, Jones, King, Larkins, Lynch, Menasco, McBride, McClanahan, Miree, Nabors, Nicholson, Odom, Powell, Reid, Santord, Sheffield, Smith of Franklin, Staton, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White and Wright.—37.

The House then proceeded to the consideration of the spe-cial order, it being the bill to incorporate the Western Bank of Alabama.

Mr. Woolsey, withdrew the amendments, pending the adoption of which the House adjourned on yesterday.

Mr. Woolsey, moved to amend said bill as follows:

By filling the blank between fourth and fifth lines after the word "exceed," with the words "one million."

Said amendment was adopted.

Also to amend, by filling the blank in the fourth line after the words "Monday in," with the word "April."

Adopted.

Also to amend section second, by filling the blank in the sixth line after the words "appointed by the" with the words "Governor of the State of Alabama."

Adopted.

Also to amend section second further, by filling the blank in the eighth line after the words "sum of" with the words "five hundred thousand."

Adopted.

Also to amend section second further, by filling the blank in the twelfth line after the words "sum of" with the word "thirty."

Also to amend second section further, by filling the blank

in the thirteenth line after the words "amount of" with the words "five hundred thousand."

Also to amend second section; by filling the blank in the fifteenth line after the words "open for" with the word "ten."

Also to amend second section further, by filling the blank in the sixteenth line with the word "thirty."

Also to amend the fourth section, by filling the blank in the second line after the words "sum of" with the words "one hundred thousand."

Also to amend fourth section further, by filling the blank in the sixth line after the word "exceeding" with the words "five hundred thousand."

Also to amend article first, by filling the blank after words "less than" with the words "one hundred thousand."

To amend rule the twelfth, by filling the blank after the words "less than" with the word "thirty."

To amend rule the twelfth further, by filling the blank in the sixth line with the word "five."

Also to amend rule twelfth further, by filling the blank in the ninth line after the words "at least" with the word "six."

All of which was adopted.

Mr. Nabors moved to amend, by striking out of the second rule, the words one fourth and insert in lieu thereof, one-half.

Mr. Davis, moved to lay the amendment on the table and the yeas and nays were called.

Carried.

Yeas 68, nays 22.

Yeas—Messrs. Speaker, Alston, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Crawford, Curry, Davis, Dawson, Echols, Ellis of Benton, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, McBride, McClanahan, McMullen, Milligan, Moragne, Moorer, Odom, Peddy, Portis, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Withers, Wright and Woolsey.—68.

Nays—Messrs. Acree, Alford, Beck, Chapman, Clanton of Sumter, Cunningham, Ellis of Blount, Garleck, Gilmore,

Lynch, Menasco, McConnell, Miree, Nabors, Pynes, Rice, Sheffield, Staton, Taylor of Coosa, Williams, Winston and Wood.—22.

Mr. Nabors, moved to amend by striking out of the second rule, the words one-fourth and inserting one-third.

Mr. Davis, moved to lay the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 47, nays 46.

Yeas—Messrs. Speaker, Alston, Barry, Battle, Beavers, Bernhard, Belser, Bradley, Browder, Byrne, Camp, Carpenter, Cochran, Crawford, Davis, Ellis of Benton, English, Fowler, Galloway, Grubbs, Haden, Hobbs, Howard, Jay, Jones, King, Kirkland, Lockett, McClanahan, McMullen, Moragne, Moorer, Powell, Pryor, Rhodes, Sanford, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn. Ward of Dale, Withers, Wright and Woolsey.—47.

Nays—Messrs. Acree, Alford, Beck, Bishop, Brown of Marion, Brown of Tuskaloosa, Chapman, Clanton of Sumter, Cunningham, Curry, Dawson, Echols, Ellis of Blount, Garleck, Gilmore, Goode, Graham, Hancock, Jackson, Larkins, Lynch, Maples, Menasco, McBride, McConnell, Milligan, Miree, Nabors, Nicholson, Odom, Peddy, Pennington, Pynes, Reid, Remson, Rice, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Cherokee, White, Williams and Wood.—46.

Mr. Nabors, moved to amend third article of section sixteen, by adding the words gold or silver after the words paid in.

Mr. Camp, called the previous question.

Sustained.

The question then was upon ordering the bill to be engrossed.

Yeas 71, nays 24.

Yeas—Messrs. Speaker, Alston, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Benton, English, Fowler, Galloway, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Moorer, Nicholson, Odom, Peddy, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of

Mobile, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Withers, Wright, Wood and Woolsey.—71.

Nays—Messrs. Acree, Alford, Beck, Brown of Marion, Chapman, Clanton of Sumter, Ellis of Blount, Garleck, Gilmore, Goode, Hancock, Lynch, Menasco, McConnell, Milligan, Nabors, Pennington, Portis, Pynes, Rice, Sheffield, Smith of Randolph, Taylor of Coosa and Williams.—24.

Message from the Senate.

Mr. Speaker :

The Senate has passed bills of the following titles :

An act to amend an act entitled an act, to amend the road laws in the county of Pickens and other counties.

For the benefit of the Administrator of Caroline Key, late of Russell county.

To amend section five of a certain act therein named.

Also, joint resolutions in regard to the death of H. W. Collier.

Mr. Staton, moved to postpone the special order, it being the joint resolutions for the call of a convention to alter, revise and amend the constitution, until the 10th day of January, 1856.

The motion of Mr. Staton was withdrawn, to allow Mr. Winston to offer the following amendment, viz :

Strike out all after the title of the said resolutions, to the word "that" in the fourth line and insert the following :

Whereas all political power is inherent in the people and all free governments are founded on their authority and instituted for their benefit ; and therefore they have at all times an unalienable and indefeasible right to all reform, or abolish their form of Government in such manner as they may think proper.

1st. *Be it resolved by the Senate and House of Representatives of the General Assembly convened,* That owing to the defects in the Constitution of the State and the previous amendments now proposed to the same, it is expedient to call a general convention of the people of the State, to call a new Constitution, and to the end that the sense of the people may be taken thereon, it is hereby proposed that the qualified voters of the people of this State be assembled by proclamation of the Governor, on the first Monday in May, 1856, at the usual places of voting in their respective counties, and that the polls be opened under the rule and regulations now governing elections for members of the General Assembly of this State.

2d. *Be it further resolved,* That at said election, it shall be the duty of the returning officer or one of the Judges to pro-

pose to each voter as he presents himself, the question, Convention or no Convention, and the Clerks of said polls shall register the vote so given; and it shall be the duty of the Sheriffs of the several counties to make returns of the vote so given to the Secretary of State, by the first Monday in June next after such election; and if any Sheriff shall fail to do so, he shall be liable to all the penalties to which he would now be subject, for failing to do his duty in returning the votes cast in his county for the office of Governor.

3d. *Be it further resolved*, That within twenty days after such returns, it shall be the duty of the Secretary, Comptroller and Treasurer, to open and count the votes in said returns in the presence of the Governor, and if upon such counting, it shall appear a majority of all the votes cast be in favor of a Convention, it shall be the duty of the Governor to make it known by proclamation and directing the election of members to said Convention as hereinafter directed.

Mr. Cochran, moved to suspend the special order with a view of taking up the Senate bill, renewing the loan to the Mobile and Ohio Railroad.

Motion prevailed and the bill was read.

Mr. Withers, moved to suspend the constitutional rule.

Carried.

The bill was read third time and the yeas and nays called on the passage of the bill.

Yeas—Messrs. Speaker, Alston, Barry, Battle, Bernhard, Belser, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Cochran, Crawford, Curry, Davis, Ellis of Benton, Galloway, Gilmore, Goode, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Larkins, Little, Lynch, Maples, McClanahan, McMullen, Miree, Moorer, Nicholson, Odom, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, White, Williams, Winston, Withers, Wright and Woolsey.—61.

Nays—Messrs. Alford, Beavers, Beck, Bishop, Bradley, Clanton of Montgomery, Dawson, Ellis of Blount, Fowler, Garleck, Grubbs, Kirkland, Lockett, Menasco, McBride, McConnell, Milligan, Nabors, Peddy, Portis, Sanford, Shackelford, Smith of Franklin, Smith of Randolph, Taylor of Coosa, Towles, Ward of Dale and Wood.—28.

Mr. Curry, moved to suspend the special order, to take up the Senate bill to make a loan to the Alabama and Tennessee Rivers Railroad.

Mr. Lynch, moved to amend by including joint resolutions making a donation of muskets to the Rhehobeth Academy.

Mr. Smith of Lauderdale, called for a division of the question.

The question was first upon the motion to suspend, to take up the bill to make a loan to the Tennessee and Alabama Rivers Railroad, and the yeas and nays called.

Carried.

Yeas 50, nays 42.

Yeas—Messrs. Speaker, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Byrne, Camp, Carpenter, Chapman, Crawford, Curry, Davis, Ellis of Benton, Galloway, Haden, Hancock, Howard, Jay, King, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Moorer, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey.—50.

Nays—Messrs. Alford, Beck, Brown of Marion, Clanton of Montgomery, Cochran, Cunningham, Dawson, Echols, Ellis of Blount, Garleck, Gilmore, Goode, Graham, Grubbs, Hobbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Nicholson, Odom, Peddy, Pennington, Portis, Pynes, Rice, Shackelford, Smith of Franklin, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—42.

A message from the Governor:

*To the Senate and House of Representatives:*

Gentlemen:

I herewith communicate a letter addressed to me on the Swamp Lands, ceded by the General Government to the State. Important interests are involved in the title to the swamp and overflowed lands in the borders of the State, although the quantity and the value of the lands which would become the property of this State, under the act of Congress, would prove to be greatly less than in some other States, I am of opinion, that it is of sufficient moment to invite the consideration and action of the Legislature in order to inquire, at least, if it may not be proper to authorize the appointment of an Agent to look out said lands.

JOHN A. WINSTON.

MONTGOMERY, ALABAMA, December 15, 1855.

*His Excellency :*

JOHN A. WINSTON :

*Sir* :—As the result of a conversation I had the honor to hold with your Excellency, I hereby state my readiness to submit to a proposal to examine and report upon the amount of swamp and overflowed lands, arising to the State of Alabama, under the provisions of the act of Congress, bearing date of the 28th September, 1850, entitled an act to enable the State of Arkansas and other States, to reclaim the swamp lands within their limits, to the end that the General Assembly of this State, should they in their wisdom deem the matter of sufficient importance, may empower some party to contract on the part of the State for the work necessary to be done. Immediately upon the passage of the act of 1850, instructions were forwarded to the Governor's of the several States, containing public lands by the commissioner of the General Land Office, informing them of the passage of the act and of the relief of their respective States under it. All the States of the confederacy containing public lands have availed themselves of the provisions of this act and adopted some means to secure its benefits, with the solitary exception of the State of Alabama.

The benefit of the expense of examination and selection would be greater than the value of the grant is, I learn, the cause which has deterred the authorities of this State from attempting to consummate her right under the act granting the swamp and overflowed lands within her limits. This difficulty I propose to obviate, by undertaking to do the necessary work for securing the lands granted, for a per centage which may be agreed upon, should the General Assembly deem the proposition worthy of attention, payable out of any funds derived from the sale of lands claimed under the act, or for a portion of the lands secured by it.

I have the honor to be,

Your Excellency's obedient,

H. WELLS.

The message was read and referred to the committee on Agriculture.

The question then was upon the motion of Mr. Lynch, to introduce the joint resolutions making a donation to the Rhetobeth Academy.

House refused to sustain the motion.

Yeas 41, nays 47.

Messrs. Barry, Beck, Brown of Marion, Byrne, Clanton of

H<sup>c</sup>

Sumter, Dawson, Echols, Ellis of Blount, Garleck, Gilmore, Goode, Grubbs, Jackson, Jay, Jones, Kirkland, Larkins, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Moorer, Nabors, Peddy, Pennington, Powell, Pynes, Reid, Sanford, Shackelford, Sheffield, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams, Wright and Wood.—41.

Nays—Messrs. Speaker, Acree, Alford, Alston, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuscaloosa, Camp, Chapman, Cochran, Crawford, Cunningham, Curry, Davis, Ellis of Benton, Galloway, Graham, Haden, Hancock, Hobbs, Howard, King, Little, Maples, McBride, McClanahan, McMullen, Moragne, Odom, Portis, Pryor, Remson, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, White, Withers and Woolsey.—47.

Mr. Lynch, then moved to postpone the further consideration of the bill until 10th of January next, and the yeas and nays were called, pending which motion the hour of 5 o'clock having arrived, the House stood adjourned until to-morrow half past 9 o'clock.

WEDNESDAY, December 19, 1855.

House met pursuant to adjournment.

The Journals of yesterday was read and approved.

Mr. Speaker, laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Pryor, moved to suspend the call of the counties, to take from the orders, the bill to extend the jurisdiction of the Probate Courts, &c.

Mr. Miree, moved further to suspend, to take up the Senate bill making a loan to the Alabama and Mississippi Rivers Railroad.

Mr. Sheffield, to take up the Senate bill to amend the Charter of the Tennessee and Coosa River Railroad.

Mr. Shackelford, called for a division of the question.

The question was first upon the motion of

Mr. Pryor, to suspend.

Carried.

The question was then upon Mr. Miree's motion.

Lost.

Then upon Mr. Sheffield's motion.

Carried.

The hour of 10 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being



the bill to change the county boundary of Hancock county, and the question was whether the decision of the Chair should stand as the decision of the House.

The House refused to sustain the decision of the Chair.

Yeas 34, nays 42.

Yeas—Messrs. Speaker, Acree, Beavers, Brown of Tuska-loosa, Burgess, Camp, Cochran, Davis, Ellis of Benton, English, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Little, Maples, Milligan, Peddy, Pennington, Portis, Pynes, Remson, Rice, Shackelford, Sykes, Taylor of Chambers, Taylor of Coosa, Towles, Winston and Woolsey.—34.

Nays—Messrs. Alford, Alston, Barry, Battle, Bernhard, Beck, Bishop, Bradley, Brown of Marion, Byrne, Crawford, Cunningham, Echols, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Lockett, Lynch, Menasco, McBride, McClanahan, McConnell, Miree, Nabors, Odem, Powell, Reid, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Thornton, Thorn, Ward of Dale, White, Withers and Wright.—42.

Leave of absence was granted to Mr. Nicholson.

House resumed the consideration of the bill to extend the jurisdiction of Probate Courts, same read second time and on motion of

Mr. Menasco, referred to committee on the Judiciary.

The committee on enrolled bills reported the following as correctly enrolled :

An act to divorce Cornelia Brennan from her husband John E. Brennan, and other persons therein named.

Joint resolutions to adjust the cash balance in the office of Comptroller, so as to correspond with the actual balance in the Treasury on the 30th September, 1855.

An act respecting the Mobile Bay Road Company.

An act to amend the several acts incorporating the town of Tuscumbia, in Franklin county, approved 3d February, 1854.

An act amendatory of an act, approved 4th February, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed House bills :

To authorize the completion of the final records of the Circuit Court of the county of Madison.

Also, to divorce John Sullivan from his wife Sarah Sullivan.

To divorce Nancy Sanderson from her husband Alexander Sanderson.

The Senate bills :

To amend an act entitled an act to incorporate the Tennessee and Coosa Railroad Company, was read, and the rule being suspended, was read second and third time forthwith and passed.

Mr. Curry moved to suspend the call of the counties to take up the Senate bill to make a loan to the Tennessee and Alabama Rivers Railroad, and the yeas and nays were called.

Carried.

Yeas 55 ; nays 36.

Yeas—Messrs. Speaker, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown, of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Mables, McClanahan, McMullen, Miree, Moragne, Moorer, Odem, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey—55.

Messrs. Acree, Alford, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Echols, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Rice, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, and Wood—36.

The bill was read the second time.

Mr. Lynch moved to amend the bill as follows :

Strike out all after the enacting clause and insert : .. That all the bills of the Bank of the State of Alabama and Branches now in the Treasury, be, and the same are hereby donated to the Alabama and Tennessee Rivers Railroad Company, to be used in such manner as said Company may deem most conducive to the interest of said Company.

SEC. 2. *Be it further enacted*, That the bills donated by the preceding section shall no longer be received in payment of taxes, debt or debts due the State of Alabama, and if put in circulation by the said Alabama and Tennessee Rivers Rail-

road Company, the said Company shall alone be responsible for their redemption.

Mr. Davis moved to lay the amendment on the table, and the yeas and nays called.

Motion prevailed.

Yeas 58; nays 33.

Yeas—Messrs. Speaker, Alston, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Galloway, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Moorer, Nicholson, Odem, Peddy, Powell, Pryor, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey.—58.

Nays—Messrs. Acree, Alford, Barry, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Dawson, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Nabors, Portis, Pynes, Reid, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, and Wood—33.

Mr. Belser moved to amend said bill as follows:

Strike out the word three where it occurs in the third line of the first section of the bill, and insert the word two.

Mr. Jackson called for a division of the question, and the question was first upon the motion to strike out.

Carried.

Then upon inserting.

Carried.

Mr. Belser moved further to amend:

Strike out the words "or State stock," in the fourth line of the first section of the bill.

Mr. Curry moved to suspend the special order, to proceed with the bill.

And the yeas and nays were called.

Carried.

Yeas 55; nays 36.

Yeas—Messrs. Speaker, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Ma-

ples, McClanahan, McMullen, Miree, Moragne, Moorer, Odom, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey—55.

Nays—Messrs. Acree, Alford, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Echols, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Rice, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White and Wood—36.

The amendment was adopted.

Mr. Belser moved further to amend as follows:

Strike out the word three where it occurs in the fourth line of the second section of the bill, and insert the word two.

Adopted.

Also, strike out the words "and fifty" where they occur in the ninth line of the second section of the bill.

Mr. Dawson moved to amend as follows:

*Be it further enacted*, That the Mobile and Girard Railroad Company shall receive a loan of \$200,000 out of any funds in the Treasury not otherwise appropriated, when said Mobile and Girard Railroad Company shall comply with the stipulations and conditions imposed by the several sections of this act.

Mr. Curry moved to lay the amendment on the table.

Mr. Echols moved to lay the bill and amendment on the table, and a division of the question was called, the question being first upon laying the amendment on the table.

Prevailed.

Yeas 52; nays 38.

Yeas—Messrs. Speaker, Acree, Alston, Barry, Battle, Bernhard, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Camp, Carpenter, Chapman, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Fowler, Gallo-way, Haden, Hancock, Hobbs, Howard, King, Larkins, Lockett, Maples, Menasco, McClanahan, Moragne, Moorer, Pennington, Powell, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, White, Winston, Withers and Woolsey—52.

Nays—Messrs. Alford, Beavers, Beck, Belser, Browder, Byrne, Clanton of Montgomery, Cochran, Cunningham, Daw-

son, Echols, Garleck, Goode, Graham, Grubbs, Jackson. Jay, Jones, Kirkland, Lynch, McBride, McConnell, McMullen, Milligan, Nabors, Nicholson, Odem, Peddy, Pynes, Rhodes, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Wright and Wood—38.

The question was then upon laying the bill upon the table.

Lost.

Yeas 36; nays 51.

Yeas—Messrs. Alford, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Dawson, Echols, Ellis of Blount, Fowler, Garleck, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Wright and Wood—36.

Nays—Messrs. Acree, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Curry, Davis, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McClanahan, McMullen, Miree, Moragne, Olen, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers and Woolsey—51.

Mr. Lynch moved to amend the bill as follows:

Strike out first section and insert "that the State issue bonds to the amount of \$200,000, and that the same be, and is hereby loaned to the Tennessee and Alabama Rivers Railroad Company."

Mr. Davis moved the previous question, being upon ordering the bill to a third reading, and the bill was so ordered.

Yeas 49, nays 40.

Yeas—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McClanahan, McMullen, Miree, Moragne, Moorner, Oden, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey—49.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sum-

ter, Cunningham, Dawson, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jackson, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Shackelford, Smith of Franklin, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White and Wood—40.

Mr. Belser moved to suspend the special order, it being the usury law bill, to proceed to the consideration of the joint resolutions to provide for the call of a convention.

Mr. Winston moved the amendment offered by him yesterday.

Mr. Jay moved to suspend the consideration of the joint resolutions for the call of a convention, to offer resolutions as follows :

*Resolved*, That with the concurrence of the Senate, that a committee of nine be raised on the part of the House, to act with a like committee on the part of the Senate, one from each Judicial Circuit, to whom shall be referred the Constitution of this State, with instructions to report to each House such amendments as soon as they may deem practicable.

*Resolved*, That the members of this committee be excused from duties of other committees during their labors, and that they have leave to sit during the recess of the Legislature.

The motion prevailed.

Yeas 40; nays 38.

Yeas—Messrs. Alford, Alston, Barry, Beavers, Beck, Bradley, Brown of Marion, Brown of Tuskaloosa, Byrne, Carpenter, Clanton of Sumpter, Crawford, Cunningham, Dawson, Ellis of Blount, Ellis of Benton, Jay, Jones, King, Kirkland, Larkins, Menasco, McBride, McConnell, McMullen, Miree, Moragne, Nabors, Portis, Reid, Smith of Franklin, Smith of Randolph, Sykes, Taylor of Chambers, Thorn, Towles, Ward of Cherokee, White, Winston, Wright—40.

Nays—Messrs. Speaker, Acree, Battle, Bernhard, Belser, Bishop, Camp, Clanton of Montgomery, Cochran, Curry, Davis, Echols, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Hancock, Hobbs, Lockett, Lynch, Maples, McClanahan, Milligan, Moorer, Nicholson, Odem, Peddy, Pryor, Pynes, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Lauderdale, Taylor of Coosa, Thornton—38.

Mr. Belser moved a call of the House.

Motion prevailed, and the following members answered to their names :

Messrs. Speaker, Acree, Alford, Alston, Barry, Battle, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Ma-

rion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumpter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors Nicholson, Odem, Peddy, Pennington, Portis, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Winston, Wright, Wood and Woolsey.

The Chair decides that the call of the House suspends the business before the House for one hour.

From which decision Mr. Jay appealed ;

And the question being, shall the decision of the Chair stand as the decision of the House ?

The decision of the Chair was sustained.

Yeas 77; nays 4.

Yeas—Messrs. Acree, Alford, Battle, Beavers, Bernhard, Beck, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Goode, Graham, Grubbs, Hancock, Hobbs, Howard, Jones, King, Kirkland, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Odem, Peddy, Pennington, Portis, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Dale, White, Winston, Withers, Wright, Wood and Woolsey—77.

Nays—Messrs. Bradley, Jay, Smith of Franklin, Towles—4.

Mr. Fowler moved to lay the amendment of Mr. Winston on the table.

Mr. Maples moved the previous question, and the yeas and nays called.

Pending the call, the hour of 1 o'clock P. M. arrived, and the House stood adjourned until 3 o'clock P. M.

AFTERNOON SESSION, Dec. 19, 1855.

House met pursuant to adjournment.

Mr. Rice moved to suspend the regular order of business to offer a resolution, and the yeas and nays were called.

Yeas 13; nays 58.

Yeas—Messrs. Barry, Beavers, Davis, Little, Lynch, Menasco, McConnell, McMullen, Milligan, Peddy, Portis, Reid, Rice—13.

Nays—Messrs. Speaker, Acree, Alford, Battle, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Chapman, Critcher, Cunningham, Curry, Davis, Dawson, Ellis of Benton, English, Fowler, Galloway, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs Jay, Larkins, Lockett, Maples, McClanahan, Miree, Moragne, Moorer, Nabors, Nicholson, Odem, Pennington, Powell, Prvor, Pynes, Remson, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, White, Winston, Wood, Woolsey—58.

The Senate bills :

To enable Railroad companies to borrow money, and for other purposes ;

To create the office of assistant county surveyor for the county of Marion ;

To fix the pay of Judges of Probate and Sheriffs of Fayette county ;

Were severally read the third time and passed.

The Engrossed bills :

An act in relation to fines imposed on road defaulters :

An act to change the name of Sarah Cone :

Were severally read third time and passed.

The House proceeded to the consideration of the Senate bill to make a loan to the Memphis and Charleston Railroad company, and

Mr. Belser moved to amend said bill by engrossed ryder.

Said engrossed ryder, under a suspension of the rule, was read first, second and third times and adopted.

Mr. Davis gave notice that he would move to reconsider the vote on the passage of the bill changing the name of Sarah Cone.

Mr. Jones moved to postpone the further consideration of the bill making a loan to the Memphis and Charleston Railroad company until second Monday in January, 1856.

The House refused to postpone.

Yeas 44, nays 45.



Yeas—Messrs. Acree, Alford, Alston, Barry, Beavers, Brown of Marion, Burgess, Carpenter, Cunningham, Dawson, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabers, Nicholson, Odom, Peddy, Pennington, Portis, Pynes, Reid, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Winston, Wright and Wood.—44.

Nays—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Jay, Larkins, Little, Maples, McClanahan, Miree, Moorcr, Powell, Pryor, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Withers and Woolsey.—45.

The question then was upon the passage of the bill, and the same was passed.

Yeas 52, nays 36.

Yeas—Messrs. Speaker, Barry, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Jay, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Moorcr, Odom, Powell, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey.—52.

Nays—Messrs. Acree, Alford, Beavers, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabers, Nicholson, Peddy, Pennington, Portis, Pynes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White and Wood.—36.

Mr. Chapman, moved to send the bill to the Senate forthwith.

Carried.

The bill was sent accordingly.

Mr. Miree, moved to suspend the special orders.

Lost.

Mr. Portis, from the committee on enrolled bills, reported the following as correctly enrolled.

The committee on Enrolled Bills, to whom was referred the following bills have examined the same and instruct me to report the same as correctly enrolled.

SAML. G. PORTIS, Chairman.

An act to amend a certain act therein named.

An act to be entitled an act to amend section 5 of a certain act therein mentioned.

An act to be entitled an act for the benefit of the Administrator of the estate of Caroline Key, of Russell county.

An act to be entitled an act to locate permanently the seat of Justice in the county of Marion.

Engrossed bill for filling the vacancies in the office of overseers of public roads in certain cases, was read third time and passed.

Engrossed bill entitled an act for the better protection of male minors in this State. was read third time and yeas and nays demanded.

Bill passed.

Yeas—Messrs. Acree, Alford, Battle, Belser, Browder, Byrne, Clanton of Montgomery, Crawford, Cunningham, Curry, Echols, English, Fowler, Galloway, Goode, Graham, Hancock, Hobbs, Jay, Jones, Maples, Milligan, Moragne, Nicholson, Odom, Portis, Pryor, Pynes, Remson, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, White, Winston, Withers and Woolsey.—44.

Nays—Messrs. Speaker, Barry, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Camp, Carpenter, Clanton of Sumter, Critcher, Dawson, Ellis of Blount, Ellis of Benton, Garlick, Grubbs, Haden, Kirkland, Larkins, Little, Lockett, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Moorner, Nabors, Peddy, Pennington, Reid, Sanford, Sheffield, Smith of Randolph, Ward of Cherokee, Wright and Wood.—41.

The bills to authorize the emancipation of a certain slave therein named.

To amend section 3222 of the Code of Alabama.

To amend section 2447 of the Code of Alabama.

To alter and amend sections 983 and 984 of the Code of Alabama.

Amendatory of an act establishing Commissioners Districts in the county of Walker, approved January 6, 1852.

To enlarge the jurisdiction of Probate Courts in the settlement of estates of deceased persons.

Requiring the Supreme Court of Alabama, to take jurisdiction of appeals in certain cases therein mentioned.

To amend the attachment law.

In relation to new trials.

To repeal sections 939, 940 and 941 of the Code, so far as Barbour county is concerned.

Were severally read second time and referred to the committee on Judiciary.

A message from the Senate.

Mr. Speaker :

The Senate has passed a House bill to amend a certain act therein named.

The bill to amend certain acts therein named, was read second time and ordered to be engrossed.

The bill to remedy the evils arising from camp hunting, was read second time.

Mr. Haden, moved to amend by striking out accidentally.

Lost.

Yeas 32, nays 50.

Yeas—Messrs. Speaker, Alford, Bernhard, Belser, Bradley, Camp, Cunningham, Dawson, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Lockett, Maples, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Rice, Smith of Franklin, Smith of Lauderdale, Sykes, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee and Woolsey.—32.

Nays—Messrs. Acree, Alston, Barry, Beavers, Bishop, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Carpenter, Chapman, Clanton of Montgomery, Critcher, Curry, Echols, Ellis of Benton, Garleck, Graham, Howard, Jackson, Jay, Jones, Larkins, Little, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moorer, Nabors, Pennington, Portis, Pynes, Reid, Sanford, Sheffield, Smith of Mobile, Smith of Randolph, Taylor of Coosa, Ward of Dale, White, Williams, Winston, Withers, Wright and Wood.—50.

Mr. Camp, moved to refer the bill to the committee on Judiciary.

The House refused to refer and the bill ordered to be engrossed.

Yeas 45, nays 27.

Yeas—Messrs. Acree, Alford, Alston, Beavers, Bishop, Brown of Marion, Browder, Burgess, Byrne, Carpenter, Clanton of Montgomery, Critcher, Echols, Garleck, Graham, Howard, Jackson, Jay, Jones, Kirkland, Larkins, Little, Lynch, Menasco, McClanahan, McConnell, McMullen, Milli-

gan, Moorer, Nabers, Portis, Pynes, Reid, Rhodes, Sanford, Sheffield, Taylor of Chambers, Taylor of Coosa, Ward of Dale, White, Williams, Winston, Withers, Wright and Wood.—45.

Nays—Messrs. Speaker, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Camp, Curry, Dawson, Goode, Grubbs, Hancock, Hobbs, Lockett, Maples, McBride, Miree, Moragne, Owens, Peddy, Rice, Smith of Franklin, Smith of Lauderdale Smith of Mobile, Sykes, Thorn Towles and Ward of Cherokee.—27.

The bill for the relief of Allen B. Scruggs, of Hancock county, was read the second time and referred to the committee on divorce and Alimony.

The bill to authorize Jephtha Evans and Lewis White, to peddle in Marion county, was read second time and referred to the committee on Ways and Means.

The bill to make Eliza C. Moore, of the county of Chambers, a free dealer.

To amend section 3500 of the Code of Alabama.

To authorize the trials of affrays and assaults and battery cases before Justices of the Peace.

To repeal an act therein named.

An act to amend section 660 of the Code.

An act to amend section 778 of the Code.

An act for purposes therein named.

To authorize process of garnishment in certain cases.

Were severally read and referred to the committee on Judiciary.

An act to amend the Charter of the Opelika and Talladega Railroad Company.

An act in relation to the Court of County Commissioners in Shelby county.

Were severally read second time and ordered to be engrossed.

The bill to increase the pay of the county Court Commissioners of the county of Franklin, was read second time.

Mr. Smith of Franklin, moved to amend by adding five cents per mile.

The amendment was adopted and the bill ordered to be engrossed.

The bill to make Parmelia C. Stowe, a free dealer, was read second time and referred to committee on Propositions and Grievances.

Leave was granted to Mr. Howard to record his vote in the affirmative, and to Messrs. Jackson, Beck, Williams and

Owen in the negative, when the bill passed making a loan to the Memphis and Charleston Railroad Company.

Mr. Williams, from Select committee upon Insane Hospital, made the following report :

The committee to whom was referred that part of the Governor's message relating to the "Alabama Insane Hospital," and the report of the Trustees of said Hospital, after a full and careful investigation of the same, in connection with the original act establishing said Institution, and accompanied by the explanatory statements of the Architect, who was present with the committee, as to the quality, capacity and present condition of the building, have instructed me to

### REPORT :

That the site selected and purchased by the Commissioners, appointed by law for that purpose, combines all the advantages required by the original act establishing the "Alabama Insane Hospital."

The Trustees whose duties were to contract for and cause to be erected the necessary buildings and improvements, have adopted the plan submitted and recommended to them by the Physician appointed under the law for that purpose, and have let to contract certain portions only of the main building; not desiring to bind the Institution for a larger amount than was placed at their disposal. The sum appropriated being entirely insufficient to erect and complete such buildings and improvements, the plan adopted and the contracts let, were, as your committee think, very proper in reference to further appropriation. The limitation to the expenditures being only "until otherwise ordered," the conclusion on the part of the Trustees that additional appropriation would be made, as the work should progress, was quite natural and reasonable.

The whole building, in its ultimate capacity, will accommodate but two hundred and fifty patients, and is in accordance with the requirements of the law. Besides, this plan is not too commodious or extensive for the wants of the State. For to say nothing of the Insane who may be sent from abroad to this institution, our late census returns, although some counties have given us no official account of that unfortunate class within their limits, shows the existence of nearly twice that number in our own State.

The contracts which have been let, are considered as favorable and economical as was practicable; and the amounts already paid out and the Architect's estimate for the entire completion, will bring the whole cost within the sum usually

expended for the erection and completion of similar buildings of the same plan and equal accommodations.

It is estimated that the final completion of the buildings and improvements, including cost of Steam Engine, Tank Pipes, Gas fixtures, &c., according to the plan and specifications adopted, will require a further sum of about one hundred and fifty thousand dollars, the appropriation of which amount, your committee unanimously recommend, according to the provisions of the accompanying bill.

S. WILLIAMS.

A bill making appropriations for the completion of the Insane Hospital, which was read and constitutional rule being suspended was read second time and made the special order for 11th day of January, 1856, at 11 o'clock.

Mr. Beck, moved to suspend the rule to make a report from the Judiciary committee.

Carried.

The committee on Judiciary, to whom was referred the bill for the heirs and purchasers of Arthur Fant, deceased, have had the same under consideration and report it back to the House with a substitute therefor.

Substitute adopted and constitutional rule suspended and bill passed.

Mr. Fowler, moved to suspend the rule to allow the committee on Roads, Bridges and Ferries, to make reports.

Carried.

Mr. Hancock, from committee on Roads, Bridges and Ferries, to whom was referred the petition of Susan Lee, asking leave to erect two gates across the Pipkins Ferry and Livingston's Road, have had the same under consideration and report the following bill and recommend its passage, viz :

A bill to authorize Susan Lee, to erect two gates on the Pipkins Ferry and Livingston's Road, which was read and ordered to a second reading.

Mr. Hancock, from same committee, to whom was referred a bill to authorize Charles Dear, to erect gates across a road therein named, have considered the same and report it back to the House without amendment and recommend its passage, and the bill was ordered to be engrossed.

Mr. Hancock, from same committee, to whom was referred a bill to authorize Benjamin Borden, to erect gates across a road therein named and to repeal the provisions of a certain act therein named, have considered the same and return it back to the House and recommend its passage, rule being suspended the bill was read third time and passed.

Mr. Hancock, from same committee, to whom was referred a bill to authorize Thomas Thorn and Son, of Franklin county, to erect a dam therein named, report it back to the House and recommend its passage, and the constitutional rule being suspended, was read third time and passed.

Mr. Hancock, from same committee, to whom was referred a petition asking the privilege to be granted to William O. Bowman, to turnpike a certain road in Marshall county, have had the same under consideration and report adversely thereto.

Mr. Critcher, moved to lay the report on the table.

Lost.

The report was concurred in.

Mr. Davis, moved to suspend the rule, to allow him to report from the committee on the 16th section.

Also, to allow Mr. Withers, to present a memorial.

Carried.

The memorial in reference to tax on salaries, was referred to the committee on Ways and Means.

Mr. Davis, from committee on 16th section, to whom was referred the petition of Davis Moon, *et al* have considered the same and report the following bill:

A bill for the relief of certain persons therein named, which was read and constitutional rule being suspended, was read second time forthwith, and pending the motion to suspend further so as to give the bill a third reading, the hour of 5 o'clock, P. M., having arrived and the House stood adjourned until to-morrow morning, half past 9 o'clock, A. M.

THURSDAY. December 20. 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Leave of absence was granted to Mr. Ward of Dale.

Mr. Belser, moved to reconsider the vote by which the House refused the bill amendatory of an act establishing Commissioners Districts in the county of Walker, &c., to committee on Judiciary.

Prevailed.

Mr. Cochran, moved to suspend the business, to consider said bill and the bill was read a third time and passed.

Mr. Chapman, moved to suspend the call of the counties, to enable him to make a report from the committee on Federal Relations.

Motion prevailed and Mr. Chapman made the following report:

The committee on Federal Relations, to whom was referred

the joint resolutions upon the condition of public affairs, have had under consideration the important principles in said resolutions set forth, and instruct me to report the same to the House and recommend that they be adopted without amendment.

Mr. Chapman, moved to postpone the further consideration of the report and joint resolutions until 1st Monday in January, and he made the special order for 11 o'clock on that day.

Prevailed and the bill made the special order accordingly.

Mr. Cunningham, to further suspend the call of the counties, to enable him to introduce a bill.

Motion prevailed.

Mr. Cunningham, then introduced a bill to incorporate the Chunnenugee Female College in Macon county.

Bill was read and constitutional rule being suspended, the bill was read second and third times forthwith and passed.

Mr. Miree, moved to suspend the call of the counties, in order to take up the bill in relation to the Alabama and Mississippi Railroad, &c., and to amend the Charter of the Northern Bank of Alabama.

Also, to allow Messrs. Nabors, Alston and Pennington, to introduce bills.

Motion prevailed and the bill was read.

The House refused to suspend and the bill was ordered to a second reading.

The bill to repeal in part an act to amend the Charter of the Northern Bank of Alabama, was read and ordered to a second reading.

Message from the Senate.

Mr. Speaker :

The Senate has concurred in the several amendments by the House to the Senate bill, making a loan to the Memphis and Charleston Railroad Company.

Mr. Nabors, presented the petition of A. Wier and sundry other citizens of Carrollton, in Pickens county, asking the passage of a law prohibiting the sale of spirituous liquors in said town.

Also, introduced a bill to give effect to an ordinance of the town of Carrollton, which was read and ordered to a second reading.

Mr. Alston, introduced a bill to regulate the bringing of suits against the owners of steam boats, vessels and other water crafts, which was read and ordered to a second reading.



Mr. Pennington, introduced a bill to amend section 3447 of the Code, which was read and ordered to a second reading.

Mr. Woolsey, moved to suspend the call of the counties, in order to take up the bill in relation to the Alabama and Tennessee Rivers Railroad Company.

Carried.

Mr. Goode, moved to postpone the further consideration of the bill until 12th day of January, 1856, and the yeas and nays were called.

House refused to postpone.

Yeas 31, nays 47.

Yeas—Messrs. Acree, Beck, Brown of Marion, Clanton of Sumter, Cunningham, Dawson, Echols, Garleck, Goode, Graham, Jones, Lockett, Lynch, Menasco, McConnell, Milligan, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Rhodes, Shackelford, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wright.—31.

Nays—Messrs. Speaker, Barry, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McClanahan, Mirce, Moragne, Moorer, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers and Woolsey.—47.

Mr. Jones, moved a call of the House.

The Chair decided the motion was out of order.

Mr. Echols, moved to amend said bill by way of engrossed ryder as follows :

That the sum of ten thousand dollars be loaned out of any money in the Treasury not otherwise appropriated, upon the same terms and conditions as provided for in this bill, to the East Alabama Female College.

Also, ten thousand dollars to the Methodist Female College at Tuskegee.

Also, ten thousand dollars to the Masonic Male College at Auburn.

Mr. Speaker, decided the motion out of order, from which decision Mr. Echols appealed, and the question being upon shall the decision of the Chair be the decision of the House, and the decision of the Chair was sustained.

Yeas 74, nays 10.

Yeas—Messrs. Acree, Barry, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Camp, Car'

penter, Chapman, Cochran, Crawford, Crither, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Garleck, Goode, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, Menasco, McClanahan, Milligan, Miree, Moragne, Moorer, Peddy, Portis, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright, Wood and Woolsey.—74.

Nays—Messrs. Beck, Brown of Marion, Lockett, Lynch, McConnell, Nabors, Owens, Pynes. Taylor of Chambers and White.—10.

A message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill to amend an act entitled an act, requiring the Governor to cause patents to be issued to certain lands therein named, to Mary Stephens and others, approved February 10, 1852.

A bill making an appropriation for the completion of the Alabama Insane Hospital.

Joint Resolutions for printing and distributing of the report of the State Geologist, which originated and passed the House.

The hour of 11 o'clock, A. M., having arrived there being a special order, viz: the interest bill,

Mr. Woolsey, moved to suspend said special order, to proceed with the bill under consideration.

The motion prevailed and the yeas and nays called.

Yeas 53, nays 29.

Yeas—Messrs. Speaker, Barry, Battle, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McClanahan, McMullen, Miree, Moragne, Moorer, Odom, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers and Woolsey.—53.

Nays—Messrs. Acree, Alford, Beck, Brown of Marion, Clanton of Sumter, Cunningham, Dawson, Echols, Garleck, Goode, Jones, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Owens, Peddy, Pennington, Pynes, Shackelford, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—29.

Mr. Lynch, moved to amend by way of engrossed ryder as follows :

That the sum of fifteen thousand dollars be so paid out of any money in the Treasury not otherwise appropriated upon the same terms and conditions as provided for in this bill to the Camden and Alabama Rivers Railroad.

Mr. Curry, made the following point of order :

That as there is no such Railroad in existence, no money can be loaned to it.

The Chair decided the amendment out of order as it does not propose to loan money to any legal person or company.

Mr. Curry, then moved to previous question and the yeas and nays were called.

Motion prevailed.

Yeas 50, nays 35.

Yeas—Messrs. Speaker, Battle, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Maples, McClanahan, McMullen, Miree, Moragne, Moorer, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Withers, Wright and Woolsey.—50.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Dawson, Echols, Fowler, Garleck, Goode, Graham, Jones, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Shackelford, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood.—35.

Mr. Howard, moved to suspend the special order, to enable him to offer the following resolution :

*Resolved*, That the ladies be invited to take seats in this hall during the Inauguration of the Governor.

Motion prevailed and the resolution was adopted.

A message from the Governor.

Mr. Speaker :

His Excellency, the Governor, has approved of the bills which originated in the House of Representatives of the following titles :

An act to repeal an act entitled an act to authorize the apportioners of the different Districts of Pickens county, to appoint overseers and for other purposes therein named.

An act to repeal a special act passed for the payment of Ju-

rors, and approved on the 18th day of January, 1845, so far as relates to Blount county.

An act to repeal an act requiring Justices of the Peace of Lowndes county, in their respective beats, to act as apportioners and supervisors of roads and for other purposes.

An act to authorize the Administrator of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months.

An act to establish a Board of Physicians in Shelby county.

An act to amend section 3860 of the Code.

An act to change and regulate the time of holding the Circuit Courts in the counties of Marshall and Jackson.

An act to amend a certain act therein named.

J. D. CATLIN, Jr.,  
Private Secretary.

The House then took an informal recess preparatory to going into the Inauguration, of twenty-five minutes.

Inauguration of the Governor.

The hour of 12 o'clock, M., having arrived, the Senate by invitation appeared within the hall of the House.

The Hon. John A. Winston, Governor elect, also appeared within the hall of the House and after delivering his Inaugural Address, took the oath of office, as was prescribed by law.

The Governor and Senate withdrew.

House took an informal recess of twenty-five minutes.

The Speaker called the House to order.

Mr. Davis, moved to call the roll.

The roll was called and the following members answered to their names :

Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Tuscaloosa, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Graham, Haden, Hancock, Hobbs, Howard, Jay, Jones, Lockett, Lynch, Maples, Menasco, McClanahan, McConnell, Milligan, Miree, Moragne, Mooter, Nabors, Odum, Owens, Peddy, Pennington, Portis, Pryor, Pynes, Reid, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Withers and Woolsey.—69.

The House then resumed the consideration of the bill to make a loan to the Alabama and Tennessee Rivers Railroad Company.

Mr. Critcher obtained leave to record his vote in the affirmative on the vote on the motion for the previous question.

Hour of 1 o'clock having arrived, the House stood adjourned until to-morrow morning half past 9 o'clock.

FRIDAY, December 21. 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Owens, moved to suspend business before the House, to take up the divorce bill in the case of Jesse Kinzey, and divorce cases generally.

Motion prevailed, and the bill to divorce Jesse Kinzey from his wife Monemia J. Kinzey.

To divorce Thomas D. Broadway from his wife R. Minty Broadway.

To divorce Susannah Caple from her husband Samuel Caple and other persons therein named.

To divorce Mary E. Green from her husband Rufus Green and other persons therein named.

To divorce William B. Wilson from his wife Sarah J. Wilson and other persons therein named.

To divorce Hulda Johnson from her husband Spencer Johnson and other persons therein named.

Were severally read second time and constitutional rule being suspended, they were severally read third time and passed.

Mr. Clanton of Montgomery, moved that the case of Hobby vs. Hobby, be engrossed and sent forthwith to the Senate.

Mr. Nabors, moved that the case of Kinzey vs. Kinzey, be engrossed and sent forthwith to the Senate.

Motions prevailed and the bills ordered and sent accordingly.

A message from the Senate.

Mr. Speaker :

The Senate has amended and passed House bills to incorporate the Medical College at Mobile.

Mr. Curry moved to suspend the call of the counties, to enable him to make a report from the committee on Internal Improvements.

Motion prevailed, and Mr. Curry made the following report :

The committee on Internal Improvements, to whom was referred that part of the Governor's message relating to the Geological Survey of the State, instruct me to report in favor of the continuation of said survey.

The spirit of this age is utilitarian, and prior to undertaking new enterprises, demands to see their practicalness. Knowledge must be made available, and science is required to show its bearing upon the practical pursuits of life. Geology meets this demand. "Immediately practical in its character and beneficial in its results," as Lieut. Maury said, it is creditable to American governments that they have, at public expense, fostered and encouraged it, so that geology may almost be called an American science.

It has been truly said that American geologists have excited respect for the American name in foreign lands, and exalted our national character by showing that our "free institutions are favorable to enlarged views of science, to a general diffusion of knowledge, and to a just appreciation of its benefits."

Were any arguments required to show the use and even the necessity of geological surveys, they may be found in the example of those countries where the arts of civilization have made the greatest progress. For more than twenty years, Great Britain has kept in the field a large and efficient corps of geologists engaged in the exploration of her domain. France has had a similar survey in progress for twelve years. Neither of these surveys hardly approaches completion.

It is not a little interesting that the first geological survey, instituted for the benefit of the people at large, originated in the Southern States. North Carolina gave the first commission in 1824, and her example was followed by our Northern brethren, who, whatever else may be said of them, are slow to prosecute expensive and unprofitable schemes.

The Federal Government has found it practicable and highly desirable to connect geological with linear surveys. The public lands in some of the States and Territories have been surveyed at great expense, and the result has proved, in the geological and other scientific information obtained, that appropriations for such objects are dictated by wisdom and true economy.

The estimate placed upon the value of these surveys is strikingly presented in the fact that where, on account of financial embarrassments, they have been suspended, with returning prosperity they have been resumed with increased vigor. Pennsylvania, the only State that resembles Alabama in the extent and variety of its mineral wealth, after six years of labor of its corps in the field, and the expenditure of \$76,657 00, suddenly brought the work to a close. After a suspension of ten years, the survey has been recently resumed, with an additional appropriation of \$32,000, making the total cost \$108,-

657 00. New Jersey has also resumed the survey of her territory. New York on a grand survey not yet completed, has expended the sum of \$200,000 00. A bill is now before the Legislature of Georgia, reported from the committee on Agriculture and Internal Improvement, for the creation of the office of State Geologist and Chemist. These facts, which could be easily multiplied, show most clearly how such surveys are appreciated where they have been tried and where they are understood.

Looking at geological surveys from a merely economical point of view, they present themselves under two important aspects. Their first and most obvious object is the discovery of those minerals and soils that have an agricultural or commercial value, and the presentation of such discoveries in an authentic and reliable form. The other object to be accomplished, though not so obvious, is not the less important—the dissemination among the people of accurate and useful knowledge in relation to the nature and extent of their mineral wealth, thereby preventing ruinous and often useless expenditures.

One of the chief advantages of a geological survey of our State, is the embodiment, in a cheap and accessible form, of all the knowledge pertaining to her physical resources. Professor Brumby, in his useful letters in favor of a geological survey, published more than ten years ago, justly remarked that "such reports were great store-houses of all kinds of useful knowledge, so systematically arranged under appropriate heads, that any one, by consulting an index, may readily turn to the page from which he can learn what he wishes to know concerning the mines, or the quarries, or the springs, or the water-power, or the soils, or the rocks and minerals, or the animals and vegetables of his State." Although, as yet, the survey of Alabama has necessarily been but partial, your committee believe that enough has been done, by correcting false notions, preventing ruinous searches and blind expenditures for minerals, discovering new substances, diffusing information and exciting general interest in the subject, to show the wisdom that dictated it as well as sufficient reasons for its continuance.

In addition to the agricultural resources of the State already known, we have inexhaustible beds of marl on nearly all the streams flowing into the Chattahoochee below Columbus. The Conecuh and some of the other streams in the Southern counties, have their beds in deposits of marl of the richest character. The value of this substance, if applied to our sandy lands and exhausted soils, need not be enlarged

upon since the labors of Ducatel, Rogers and Ruffin in Virginia and Maryland. Beds of green sand, successfully used in some States as a fertilizer and made profitable for exportation, are known to exist, to a great extent, in Wilcox and Monroe, and at many localities on the Alabama river.

Our knowledge, a few years past, in relation to our great mineral deposits, was inconsiderable compared with what it now is. Every one knew that coal existed in the State; but who thought that two narrow strips, extending across the Cahaba coal-field, contained 50,000,000 tons of accessible coal? Who supposed that the Warrior coal-field would be found extending from Tuskaloosa almost to the Tennessee, and from Jones' Valley to a point within six miles of Mississippi? Pennsylvania has expended \$40,000,000 to bring her coal to market, and her coal trade is over 4,000,000 tons. The yield of the British coal mines is \$90,000,000 per annum, and is regarded, says McCullough, "as the principal source and foundation of British manufacturing and commercial prosperity." The London Times, of 30th October, 1851, said that "the exhaustion of our coal-fields would be the final and utter catastrophe of our greatness, and England would immediately sink into a third-rate power."

When our survey commenced, the richest and most extensive beds of iron ore, now known to exist in this State, were scarcely recognised as ores of iron. Since the last report, made a few years ago, our knowledge in this direction has been vastly extended so that it is now known that we possess in Alabama all the workable ores of iron.

To our building materials has been added a durable and most beautiful granite, and the knowledge of the localities of flag-stones and similar materials has been greatly extended. Marble of different kinds and great purity, unsurpassed by any discovered on this continent, has been found so common as scarcely to attract notice about its particular localities; and yet for tomb stones, monuments, architectural decorations, and to build a custom house in Mobile, marble and granite, at heavy expense, are imported from abroad and from the North! Beds of soap-stone and porcelain clay have also been added to the long catalogue of our useful minerals.

The thousands of barrels of hydraulic cement, annually consumed in the State, are supplied to us by New York at a cost of \$2 50 per barrel. The report of the State Geologist, just presented to this House, informs us, what was previously unknown, of the discovery of hydraulic limestone in the State,



of great abundance and at a most accessible point, near the Alabama and Tennessee River Railroad; so that, ere long, we may become exporters instead of being, as at present, importers of this necessary article. There is no exaggeration in saying that this single discovery alone will more than compensate for any outlay required for a thorough survey of the State. Nor is this the first instance of geological surveys showing the abundance of mineral substances, which had been previously imported at heavy expense. Professor Brumby said that Dr. Hildreth, during his survey of Ohio, found a rock "equal in value to the French Burhstone and similar to it in all essential characteristics," which, in the shape of millstones, had long been imported from France at a cost of from \$350 to \$500 a pair.

It is the duty, as it is the privilege of enlightened and patriotic legislators to look beyond the present into the future. He was a poor philosopher and a worse patriot who would do nothing for posterity because posterity had done nothing for him. In any calculation involving the value of the industrial resources of Alabama, its geographical position must not be omitted. Our geological map indicates the important fact, that the great Apalachian strata, with their boundless mineral treasures, sink in our State beneath the waters of the Gulf after approaching it nearer than at any other point. The physical features of the State, our valleys and our streams point in that direction as the great outlet for our trade, and when the Gulf is connected with the Pacific, if Alabama is true to herself, who shall calculate the position she may occupy in relation to the vast commerce that must then spring up?

A distinguished statesman is said to have made the remark, that his politics was controlled by geography. Should not our legislation be influenced at least by the geography and geology of our State? Surely it is sound policy to inform ourselves fully and accurately of the value and extent of our mineral wealth by a thorough exploration of the State, by completing what we have already so wisely begun.

The committee have, therefore, instructed me to report the following bill: To commence and complete the geological survey of the State, and to recommends its passage.

J. L. M. CURRY,  
Chairman.

Report was concurred in.

Mr. Graham moved that the report be laid on the table and that 1000 copies be printed for the use of the House.

**Motion prevailed.**

And the bill to continue and complete the Geological Survey of the State, was read, and constitutional rule being suspended, the same was read second time and made the special order for the 11th day of January, 1856, at the hour of 11 o'clock, A. M., of that day.

Mr. Lynch moved to suspend the call of the counties to allow committees to make a report.

**The motion prevailed.**

Mr. Lynch, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Bibb, in relation to the county site of said county, reported adversely thereto, and the report was concurred in.

Mr. Davis, from the committee on Sixteenth Sections, made the following report :

The committee on Sixteenth Sections, to whom was referred a petition for the relief of Martin Diter and James Steel, have considered the same, and have instructed me to report the two following bills and recommend their passage.

Mr. Davis then introduced the following bills :

A bill to be entitled an act for the relief of certain persons therein named.

A bill to be entitled an act for the relief of certain persons therein named.

Were severally read, and constitutional rule being suspended, were severally read second time and ordered to be engrossed.

Mr. Howard moved a further suspension, in order to take up the bill to incorporate the Medical College at Mobile.

The motion prevailed, and the House proceeded to the consideration of said bill and amendments thereto. Concurred in.

Mr. Jackson, from the committee on Ways and Means, to whom was referred the bill to consolidate the offices of Tax Collector and Assessor, have had the same under consideration, and report that it would be inexpedient to pass said bill.

**Concurred in.**

Mr. Nabors moved to lay the report and bill on the table.

**The motion prevailed.**

Mr. Jackson, from the same committee, made the following report :

The committee of Ways and Means, to which was referred a bill to be entitled an act to amend paragraph 17, section 391 of the Code, has had the same under consideration, and instructed me to report that it would be inexpedient to pass the bill.

Mr. Portis, from committee on Enrolled bills, reported the following as correctly enrolled :

An act to divorce Nancy J. Sanderson from her husband Alexander J. Sanderson.

An act to divorce John Sullivan from his wife Sarah Sullivan.

Mr. Shackelford, from select committee, reported as follows :

The Select committee, to whom was referred the bill to be entitled an act for the relief of John A. Stow and Isaac Stow, of Tallapoosa county, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

Mr. Hobbs, from the committee on Education, reported as follows :

The committee on Education, to which was referred the report of the Græfenberg Medical Institute and the accompanying petition, have considered the same, and instructed me to report them back to the House, and ask their reference to the select committee composed of the physicians of the House.

Mr. Hobbs, from the same committee, reported :

The committee on education, to which was referred a bill to be entitled an act authorizing and requiring Justices of the Peace to take notice of and punish offences committed on the Sabbath, have had the same under consideration, and instruct me to report the same back to the House, and to recommend its reference to the committee on the Judiciary.

Mr. Nabors, from the Judiciary committee, reported the following :

The committee on the Judiciary, to which was referred the bill to alter and amend section 3046 of the Code, so far as relates to the county of Pickens, has had the same under consideration, and instructed me to report the same back to the House without amendment and recommend its passage.

A message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill to incorporate the Huntsville Mining and Manufacturing Company.

Also, House bills of the following titles :

To cause the County Treasurer and County Surveyor of Franklin county, to be elected by the people.

To incorporate the Tuskegee Insurance Company.

To incorporate the East Alabama Insurance Company.

The Senate has also originated and passed a bill for the benefit of Registers in Chancery ;

And House is requested to concur.

Mr. Woolsey, from committee on Penitentiary, reported as follows :

The committee on the Penitentiary, to which was referred a resolution to enquire into the expediency of changing the labor in the Penitentiary, have considered the same, and instructed me to report that it is inexpedient to legislate on the subject.

Mr. Lynch moved to suspend the call of the counties to take up the joint resolutions authorizing the loan of muskets, &c.

The motion prevailed, and the resolutions read the second time.

Mr. Davis moved their reference to the committee on Military.

Lost.

Mr. Lynch moved to suspend the constitutional rule, so as to give the resolutions a third reading.

Which motion was lost.

Resolutions ordered to be engrossed.

Mr. Miree moved to suspend the call of the counties, to take up the message from the Senate, which prevailed.

The Senate bill, for the relief of Registers in Chancery, was read, and constitutional rule being suspended, was read second time.

Mr. Miree moved a further suspension, to give the bill a third reading.

Lost.

The bill was then ordered to a third reading.

The Senate bill to incorporate the Huntsville Mining & Manufacturing Company was read and ordered to a second reading.

Call of counties.

Mr. Wright introduced a bill to amend section 425 of the Code, so far as relates to Butler county.

Mr. Towles :

To amend the West Point, Georgia and Tennessee River Railroad Company, approved 12th February, 1854.

Mr. Milligan :

A bill to make Martha T. Keith, of Coffee county, a free dealer.

Mr. McConnell :

To make Minerva Moon, of Fayette county, a free dealer ;  
Were severally read and ordered to a second reading.

Mr. Bradley presented the petition of Edmond P. Ware,

which was referred to the committee on Divorce and Alimony.

Mr. Jay presented the account of T. Kennedy, which was referred to the committee on Accounts.

Mr. Graham introduced a bill to be entitled an act for the relief of William Chancellor, of Coosa county, which was read, and under a suspension of the rule, the bill was read second and third times and passed.

*Message from the Senate by Mr. Taul.*

Mr. Speaker :

The Senate has originated and passed the following bills :

A bill to improve the Supreme Court Library.

To change the mode of electing a county Treasurer in Monroe county.

To establish a Board of Botanical Physicians in this State.

To compell witnesses to testify in foreign suits.

For the relief of certain persons therein named.

For the relief of A. Moore, of Lowndes county.

Also, the following House bills :

To regulate the fees of Judges of Probate in Cherokee county, when issuing marriage licenses.

For the relief of William C. Thomas, of Marshall county.

To incorporate the Gainsville Insurance company.

Mr. Chapman moved to suspend the call of the counties, to take up the Senate bill for the relief of certain persons therein named, citizens of Madison county.

Motion prevailed ;

And the bill was read, and under a suspension of the rule, the same was read second and third times and passed, and ordered to be sent forthwith to the Senate.

Mr. Camp, introduced a bill to prevent Foreign Banks from Banking in this State, which was read and under a suspension of the rule the same was read second time and referred to the committee on Judiciary.

Mr. Echols, moved to suspend the call of the counties, to enable him to introduce a resolution.

Mr. Curry in the Chair.

*Be it resolved by the House of Representatives, That we the members of this House will not receive or charge mileage for but one time during the sitting of this Legislature, for the years 1855 and 1856.*

Mr. Chapman, raised the point of order : that it is not invested with the powers and duties of the law.

The Chair decides the resolution to be in order, though in-

effectual and inoperative, and entertains it only because it has been customary.

From which decision Mr. Belser appeals.

Yeas and nays called and the question being shall the decision of the Chair stand as the decision of the House and the decision of the Chair was sustained.

Yeas 36, nays 19.

Yeas—Messrs. Speaker, Acree, Barry, Bernhard, Beck, Bradley, Brown of Tuskaloosa, Clanton of Sumter, Cunningham, Davis, Echols, Ellis of Blount, Garleck, Hancock, Jackson, Jones, King, Larkins, Lynch, Menasco, McBride, McClanahan, McMullen, Miree, Moragne, Nabors, Owens, Peddy, Portis, Rice, Sanford, Shackleford, Sheffield, Thornton, Thorn, Ward of Cherokee.—36.

Nays—Messrs. Beavers, Belser, Browder, Byrne, Camp, Chapman, Dawson, Ellis of Benton, Galloway, Hobbs, Howard, Lockett, McConnell, Pennington, Smith of Franklin, Smith of Mobile, Taylor of Coosa, White and Woolsey.—19.

Mr. Clanton of Sumter, moved to amend as follows:

Provided the resolution shall not apply to any other legal sitting of the Legislature in 1855, than the present Session.

Mr. Smith of Mobile, moved to suspend the business before the House, to enable him to introduce a bill with a memorial, and Mr. Jackson, a resolution, and the yeas and nays called on the suspension.

Yeas 34, nays 24.

Yeas—Messrs. Speaker, Acree, Beavers, Beck, Bradley, Browder, Byrne, Camp, Clanton of Sumter, Cochran, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Hancock, Hobbs, Howard, Jay, Lynch, McClanahan, Nabors, Peddy, Portis, Reid, Rice, Sanford, Shackleford, Smith of Mobile, Thorn, Towles, Ward of Cherokee and White.—34.

Nays—Messrs. Alford, Alston, Barry, Belser, Brown of Marion, Brown of Tuskaloosa, Echols, Garleck, Graham, King, Larkins, Lockett, Menasco, McBride, McConnell, McMullen, Miree, Moragne, Owens, Pennington, Sheffield, Smith of Franklin, Taylor of Coosa and Thornton.—24.

Mr. Smith then introduced a bill to regulate the amount of taxes collected on property sold at auction, which was read and constitutional rule being suspended the same was read second time and referred to the committee on Ways and Means.

Mr. Jackson then offered the following resolution:

*Resolved*, That two thousand copies of the Governor's Inaugural Address be printed for the use of the House.

Mr. Graham, offered the following as a substitute:

*Resolved*, That a committee of three be appointed to solicit a copy of said Inaugural Address delivered on yesterday, and that three thousand copies be printed for the use of the House.

Mr. Jackson accepted the substitute.

Mr. Davis, moved to lay the resolution and substitute on the table.

Lost.

Yeas 15, nays 39.

Yeas—Messrs. Alston, Bradley, Brown of Tuskaloosa, Byrne, Clanton of Sumter, Curry, Davis, Echols, Ellis of Benton, Hobbs, McClanahan, Miree, Owens, Reid and Sanford.—15.

Nays—Messrs. Speaker, Acree, Alford, Beck, Belser, Brown of Marion, Camp, Chapman, Cochran, Dawson, Ellis of Blount, Galloway, Garleck, Graham, Hancock, Howard, Jackson, Jay, Jones, Larkins, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Moragne, Nabors, Peddy, Pennington, Portis, Rice, Shackelford, Sheffield, Smith of Franklin, Taylor of Coosa, Thornton, Thorn and Towles.—39.

Mr. Nabors, moved to strike out three thousand and insert five thousand.

The motion was lost, no quorum voting.

Mr. Curry, moved a call of the roll.

Lost.

Mr. Jay, moved to suspend the rule of the House to adjourn at 1 o'clock, P. M.

Mr. Lynch, moved a call of the roll.

Lost.

Mr. Jay, moved to adjourn until five minutes before 3 o'clock, P. M.

Lost.

Yeas 9, nays 49.

Yeas—Messrs. Beavers, Browder, Galloway, Hobbs, Jay, Miree, Nicholson, Smith of Franklin and Smith of Mobile.—9.

Nays—Messrs. Speaker, Acree, Alford, Alston, Beck, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Camp, Chapman, Clanton of Sumter, Cochran, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Garleck, Graham, Hancock, Howard, Jackson, Jones, King, Larkins, Lockett, Lynch, Menasco, McBride, McClanahan, Mc-

Connell, McMullen. Moragne, Nabors, Owens, Peddy, Pennington, Portis, Rice, Sanford, Shackelford, Sheffield, Taylor of Coosa, Thornton, Thorn and Towles.—49.

Mr. Belser, moved to amend by striking out three thousand copies and inserting twenty-five hundred copies.

Carried.

The resolution as amended was adopted.

The House then resumed the consideration of Mr. Echols's resolution, as amended by Mr. Clanton of Sumter, in relation to mileage and per diem during the recess of the Legislature.

Mr. Curry, moved to lay the resolution on the table and the motion prevailed.

Yeas 31, nays 21.

Yeas—Messrs. Speaker, Beavers, Belser, Bradley, Browder, Byrne, Camp, Clanton of Montgomery, Critcher, Curry, Ellis of Benton, Galloway, Graham, Hancock, Howard, Jay, Jones, King, Lockett, Lynch, McBride, McClanahan, Peddy, Rice, Sanford, Shackelford, Smith of Franklin, Smith of Mobile, Thornton, Thorn and White.—31.

Nays—Messrs. Alston, Beck, Clanton of Sumter, Cunningham, Davis, Dawson, Echols, Ellis of Blount, Garleck, Jackson, Larkins, Menasco, McConnell, McMullen, Miree, Moragne, Nabors, Owens, Portis, Sheffield and Taylor of Coosa.—21.

Message from his Excellency, the Governor, by his private Secretary.

December 21st, 1855.

Mr. Speaker :

His Excellency, the Governor has approved of bills which originated in the House of Representatives of the following titles :

An act to locate permanently the seat of Justice in the county of Marion.

An act to amend the several acts incorporating the town of Tuscumbia, in Franklin county, approved 3d of February, 1854.

An act to compensate Tales Jurors in certain cases.

An act amendatory of an act, approved 4th February, 1852, entitled an act to authorize the sale of the Stock held by the State in the Bank of Mobile.

An act to amend section 5 of a certain act therein mentioned.

An act for the benefit of the Administrator of the estate of Caroline Key, late of Russell county.

Also, of the joint resolutions to adjust the cash balance in



the office of the Comptroller, so as to correspond with the actual balance in the Treasury on the 30th of September, 1855.

J. D. CATLIN, Jr.,  
Private Secretary.

Protest of *Mr. Reid*.

I voted against the report, providing for the publishing and distribution of the Geological Survey of this State, because of the amendments thereto. I was well satisfied that the object sought by the proviso could not be by it (amendment) obtained; that it savored much of an ebullition of petty spite, and was not unlike resenting a serious personal wrong by attempting to throw a straw at the aggressor. Observation and experience have long since taught me, that acts in retaliation for wrongs inflicted upon the South by the North, should go from us as a unit, and be eminently calculated to effect the object designed to be accomplished, &c.

December 20th, 1855.

JOHN C. REID.

Protest of *Messrs. Sheffield and Critcher*.

The undersigned, respectfully offers the following protest to the action of the House of Representatives, passing the resolution to adjourn the 21st December until the 7th day of next month, and ask that it be placed upon the Journal.

The undersigned, objects to the principal as well as to the dimes and dollars involved. No action of this Legislature could reduce the pay of members as allowed by previous law; but this process increases it constructively. A member whether he voted for or against the resolution, can obtain extra mileage, whether he goes home or not, without travelling at all. The Constitution seems to anticipate justifiable emergencies—a hostile enemy or an epidemic disease—authorizing recess, or even removal, and thus as the undersigned believe, totally forbid the act of adjourning, when no such emergency exists, other than *sine die*.

Again, the people were called up in a few years ago to vote their preference of Biennial to Annual Sessions—they plainly indicated their preference to the former, and that too, evidently on account of economy in the embarrassed condition of the State. Now by this process, instead of a Session only once in two years, we incur the expenses of two Sessions at once. It is objected, that the Session of 1853-54, with a recess like this and double mileage, cost five or ten thousand dollars less than the preceeding Session without. The undersigned, cannot perceive the force of the argument. Excess is excess and but for the adjournment, the excess of mileage,

might have attached to the reduction and added itself to the five or ten thousand dollars saving to the State. We are not obliged to incur as much cost at a less important Session, as at a Session at which there is more business to do. If we can incur the expense of one recess, why may we not continue them the entire Legislative term for which we were elected? Court is not always conscience. As the opinion or decision may be erroneous, and at all times liable to change, the undersigned begs leave to continue to be the keeper of his own.

JAMES L. SHEFFIELD,  
JAMES CRITCHER.

Mr. Speaker, announced the following committee raised under Mr. Graham's resolution to wait on the Governor, to solicit a copy of his Inaugural Address, viz :

Messrs. Graham, Jackson and Belser.

House adjourned till 3 o'clock.

AFTERNOON SESSION, December 21, 1855.

House met pursuant to adjournment and on motion, the roll was called, pending the call, the hour of 3 o'clock arrived and the House stood adjourned until Monday the 7th day of January, 1856.

MONDAY, January 7th, 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Speaker, laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony.

The following communication was received from the Hon. George Goldthwaite.

MONTGOMERY, January 7th, 1856.

Sir :

Through you as the presiding officer of the House of Representatives of the General Assembly of Alabama, I transmit to that Honorable body, my resignation of the office of Judge of the Supreme Court, to take effect after the 15th instant.

Very respectfully,

Your obedient servant,

GEO. GOLDTHWAITE.

Hon. R. W. Walker, Speaker, &c.

Mr. Sykes, moved to suspend the call of the counties, to enable him to offer the following resolution :

*Resolved*, That with the concurrence of the Senate, the two

Houses will adjourn *sine die* on Saturday the 26th January instant.

Mr. Pennington, moved to amend so as to enable him to introduce a supplemental record of divorce in the case of *Gilder vs. Gilder*.

Mr. Rice, called for a division of the question, and the question first was on the motion to suspend the call of the counties, to introduce a resolution and the yeas and nays demanded.

Yea: 44, nays 30.

Yeas—Messrs. Speaker, Alford, Beavers, Beck, Bishop, Brown of Tuscaloosa, Browder, Chapman, Cochran, Cunningham, Curry, Davis, Fowler, Galloway, Goode, Grubbs, Haden, Hobbs, Howard, Jackson, Jones, Larkins, Little, Lockett, Lynch, Maples, McClanahan, Milligan, Miree, Nabors, Owens, Peddy, Pennington, Portis, Pryor, Pynes, Remson, Rhodes, Smith of Randolph, Staton, Sykes, Thorn and Wood.—44.

Nays—Messrs. Acree, Barry, Belser, Bradley, Brown of Marion, Burgess, Byrne, Camp, Critcher, Ellis of Blount, Ellis of Benton, Garleck, King, Kirkland, Menasco, McBride, McConnell, McMullen, Odom, Powell, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Towles, Ward of Cherokee, Winston, Wright and Woolsey.—30.

The question then was upon the motion of Mr. Pennington, to suspend the call of the counties, to allow him to introduce a supplemental record.

Carried.

Mr. Critcher, moved to postpone the further consideration of the resolution until the 26th day of January instant.

The motion prevailed.

Mr. Pennington, moved to take from the table the report of committee on Divorce and Alimony, and the record of divorce in the case of *Gilder vs. Gilder*.

Motion prevailed.

Mr. Pennington, then moved that the report and record of divorce be re-committed to the committee on Divorce and Alimony.

The motion prevailed.

Mr. Staton, introduced a bill to authorize the Courts of County Commissioners to establish new Districts, &c., which was read and ordered to a second reading.

Mr. Staton, moved to reconsider the vote by which the House ordered the bill to a second reading.

Motion prevailed.

Mr. Staton, then moved to suspend the constitutional rule, so as to give the bill a second reading.

Motion prevailed and the bill was read second time and referred to the committee on Judiciary.

Mr. Wright, introduced a bill to make a loan to the Alabama and Florida Railroad Company.

Said bill was read first time.

Mr. McMullen, moved to suspend the rule so as to give said bill a second reading.

House refused to suspend.

Mr. Nabors, moved to lay the bill on the table.

Mr. Belser, called for the yeas and nays to lay on the table and the motion was lost.

Yeas 29, nays 45.

Yeas—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Fowler, Garleck, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Nabors, Peddy, Pennington, Portis, Pynes, Rice, Smith of Franklin, Smith of Randolph, Taylor of Coosa, Towles and Wood.—29.

Nays—Messrs. Speaker, Barry, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Haden, Hobbs, Howard, King, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Olm, Powell, Pryor, Remson, Rhodes, Sanford, Sheffield, Smith of Lauderdale, Staton, Sykes, Thorn, Ward of Cherokee, Winston, Wright and Woolsey.—45.

Mr. Ward of Cherokee, introduced a bill authorizing auction sales in Cherokee county, which was read and ordered to a second reading.

Mr. Winston, introduced a bill to repeal section 110 of the Code, which was read and constitutional rule suspended the same was read second time and referred to the committee on Judiciary.

Mr. Larkins:

A bill granting the right of way to the Nashville and Chattanooga Railroad Company, which was read and constitutional rule being suspended, was read the second time and referred to the committee on Internal Improvements.

Mr. Maples:

A bill to make Jane Drury, of the county of Jackson, a free dealer.

Mr. Camp:

A bill to amend section 1027 of the Code.

Mr. Jones :

A bill to declare Benjamin Duval, a citizen of Marengo county.

Mr. Nabors :

A bill in relation to the duties of Grand Jurors.

Also, a bill to donate certain muskets to the Pickens Guards.

Said bills were severally read and ordered to a second reading.

Mr. Galloway, presented the account of W. C. Galloway against the State of Alabama, which was referred to the committee on Accounts.

Mr. Jones, presented the account of James B. Bruce, which was referred to the committee on Accounts.

Mr. Nabors, presented the petition of the securities of the late Judge Thomas.

Also, the petition of Peter McGehee, which were severally referred to the committee on Propositions and Grievances.

Mr. Nabors, introduced a bill to prevent members of the General Assembly from receiving extra mileage.

Mr. Camp, moved to lay the bill on the table.

The hour of 11 o'clock having arrived, for which hour there being several special orders.

Mr. Menasco, moved to suspend special orders, to enable him to introduce bills.

Motion prevailed.

Mr. Menasco, introduced a bill to regulate the collection of debts before Justices of the Peace in the county of Walker, and for other purposes.

Also, a bill to amend the act establishing Jury trials in Justices Courts in the county of Walker.

Which bills were severally read and ordered to a second reading.

Mr. Rhodes, moved a further suspension of the special order to allow him to introduce a bill.

Mr. Curry, moved to amend so as to complete the call of the counties.

Which motion prevailed.

The house proceeded to the consideration of the bill under consideration, when the hour of 11 o'clock having arrived and the question being upon the motion of Mr. Camp to lay the bill on the table.

Yeas and nays called and the motion was lost.

Yeas 3, nays 68.

Yeas—Messrs. Camp, Galloway, Smith of Franklin.—3.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Goode, Grubbs, Haden, Hobbs, Howard, Jackson, Jones, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Owens, Peddy, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Winston, Wright, Wood and Woolsey.—68.

Mr. Fowler, moved to suspend the constitutional rule.

Motion prevailed and the Senate bill was read second time and on motion of

Mr. Critcher, referred to the committee on Judiciary.

Mr. Rhodes, introduced a bill to change the time of holding the elections of Probate and Circuit Judges, which was read and ordered to a second reading.

Mr. Curry, introduced a bill to be entitled an act to amend the criminal law, which was read and constitutional rule being suspended, the same was read second time and referred to the committee on Judiciary.

Mr. Brown of Tuskaloosa :

A bill to authorize the Mayor and Aldermen of the city of Tuskaloosa, to subscribe for stocks in Railroads, which was read and under a suspension of the constitutional rule, was read second time and referred to the committee on Internal Improvements.

Mr. Woolsey, moved to suspend further, to introduce a resolution and to take up message from the Senate.

Carried.

*Resolved*, That the use of the hall of the House of Representatives, be tendered to the Democratic Convention to be held on the 8th inst., at 12 o'clock, M.

House then took up the Senate message.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved*, That with the concurrence of the House of Representatives, the Capitol be illuminated on the evening of the 8th instant, in honor of the memorable victory obtained by our country at New Orleans on the 8th January, 1815.

Concurred in.

A message from the Governor.

January 7, 1856.

Mr. Speaker :

His Excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles :

An act to divorce Cornelia Brennan from her husband John E. Brennan.

An act respecting the Mobile Bay Road Company.

An act to amend in part the act incorporating the Tennessee and Alabama Central Railroad Company, approved December 19, 1853.

J. D. CATLIN,  
Private Sec'y.

The House proceeded to the consideration of the bill and substitute therefor, entitled an act to regulate the rate of interest in this State, the question being upon the adoption of the substitute, reported by the committee on Judiciary.

Mr. Jackson in the chair.

Mr. Belser moved to amend by striking out all after the enacting clause and inserting the following :

That from and after the passage of this act, creditors shall be entitled to receive at the rate of seven per cent. per annum for all moneys after they become due on bills, bonds, promissory notes, or other instrument of writing ; and any judgment recorded in any court of law, now or hereafter to be established in this State, or any order, decree of a court of Chancery or Probate, for the payment of any sum of money from the day of obtaining such judgment, order or decree, until effects be sold or satisfaction made, likewise on money lent for the forbearance of payment thereof an express proviso has been made for the payment of interest on money due on the settlement of accounts between the parties, from the day of liquidating the accounts and ascertaining the balance on money received to the use of others and retained without the owner's knowledge for more than three months, or detain, after the demand of payment, and on money held by any unreasonable and vexatious delay of payment by unnecessary litigation.

SEC. 2. *Be it further enacted*, That no person or persons, body politic or corporate, shall, on any contract hereafter made, directly or indirectly, take or receive for the loan or use or forbearance of money, or on any contract for the payment of money above the rate and value of seven dollars, for the loan, use, or forbearance, or on the contract, for the payment of one hundred dollars for one year, and so proportionally for any greater or less sum, and for any longer or shorter time,

unless the stipulation to pay a higher rate of interest be made in writing, and signed by the parties to be charged. But in no case whatever, shall any person or persons, body politic or corporate, take or receive more than fifteen dollars for any such loan, use or forbearance of money, or any such contract for the payment of one hundred dollars, and so proportionally for any longer or shorter time, or for any greater or less sum.

SEC. 3. *Be it further enacted*, That if any person or persons, directly or indirectly, shall demand or receive any greater rate of interest than may be lawful under this act, for the use of any sum of money, the person so offending, by indictment in the proper circuit court, shall pay a fine of not less than fifty and not more than three hundred dollars, for the use of the county in which the offence shall be committed, and the contract shall be entirely void and of no effect and not recoverable in any court of this State.

SEC. 4. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Mr. Cunningham moved to amend the amendment as follows, viz:

Provided that no person shall take more than 12½ per cent., rectly or indirectly, and in such violation the owner shall forfeit principal and interest, to be recovered by any person suing for the same, or may be recovered by any indictment by the Grand Jury, and in case of said indictment, the money recovered shall be turned over to the county Treasury and become the funds of said county.

Mr. Cochran moved to postpone the whole subject until the 10th day of Jannary inst., and make it the special order for 11 o'clock of that day.

Said motion prevailed.

The next special order being the joint resolutions proposing a call of a convention of the State of Alabama.

On motion, it was postponed until next Wednesday, at 11 o'clock, A. M.

The House proceeded to the next special order, it being joint resolutions on the State of public affairs.

Mr. Cochran moved to amend by striking out all that precedes the fifth line in the 3d resolution.

Adopted.

Also, to amend the fifth resolution in the 4th line after the words "to which" add "by the South even to preserve the



Union was unwise and unfortunate, as subsequent events have proved that fanaticism can be restrained by no compromise."

The amendment was adopted

Mr. Howard moved to postpone the further consideration of the resolutions until Tuesday the 15th instant.

Lost.

Mr. Cochran moved to amend further, by striking out of the 7th resolution, under proposition first, the words "as embodied in the Nebraska-Kansas act."

Adopted.

Mr. Chapman moved to amend by striking out all after the words "respective Houses," in the 9th resolution, which was adopted.

Mr. Belser moved to amend by striking out the 4th resolution and inserting the following :

*Resolved*, That the act passed at the last session of Congress, providing territorial governments for Nebraska and Kansas, exempting the principles of squatter sovereignty, and allowing unnaturalized foreigners to vote, embraces the true principles in relation to the power of Federal Government on the subject of slavery in the Territories.

The question being upon the adoption of the amendment, the hour of 1 o'clock having arrived, the House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION, Jan. 7, 1856.

House met pursuant to adjournment.

Mr. Chapman moved to suspend the standing rule in order to proceed with the joint resolutions under discussion, when the House adjourned this morning.

Mr. Rice moved a call of the roll, and the following members answered to the call :

Messrs. Speaker, Acree, Alford, Beavers, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Chapman, Cochran, Criteher, Cunningham, Curry, Ellis of Blount, Fowler, Garleck, Grubbs, Haden, Hobbs, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Miree, Nabors, Odem, Owens, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Sykes, Thorn, Towles, Winston, Wood, Woolsey.

The motion to suspend was lost.

Mr. Curry moved to suspend the regular order of business to consider the message from the Senate.

Motion lost.

The bill to make a loan to the Alabama and Tennessee Rivers Railroad Company, was read the third time, and on motion of

Mr. Curry, the further consideration of the bill was postponed until Thursday next, the 10th instant, and made the special order for 10 o'clock, A. M.

Engrossed bill

To increase the pay of County Court Commissioners of Franklin county, was read the third time, and Mr. Smith of Franklin, moved to amend by engrossed ryder, which was read first, second and third times and passed.

Engrossed bills :

To amend certain acts therein named.

To amend the charter of the Opelika and Talladega Railroad Company.

To remedy the evils arising from camp hunting.

In relation to the Court of County Commissioners of Shelby county.

Were severally read third time and passed.

The engrossed bill :

To incorporate the Commercial Bank of Alabama, was read third time, and on motion of

Mr. Woolsey, the further consideration of the same was postponed until Friday, 11th instant, at a quarter before 10 o'clock, A. M.

Mr. Cochran moved to suspend the business before the House to proceed with the joint resolutions on the state of public affairs.

Which motion prevailed, and the House proceeded to the consideration of said resolutions.

Message from the Governor, by J. D. Catlin, Private Secretary.

January 7, 1856.

Mr. Speaker :

His Excellency, the Governor, returns to the House of Representatives, where it originated, the bill to be entitled an act to make Sarah Ann Clark, of the county of Morgan, a free dealer, with his objections thereto.

J. D. CATLIN, Jr.,

Private Secretary.

EXECUTIVE DEPARTMENT, Jan. 7, 1856.

*To the House of Representatives :*

I herewith return to the House of Representatives the bill to be entitled "an act to make Sarah Ann Clark, of the county of Morgan, a free dealer," with my objections thereto.

If it is the intention of the Legislature to confer on Mrs. Clark the right to acquire, hold, and dispose of property free from liability on account of the debts or contracts of her husband, I respectfully suggest that the provisions of part 2, title 5, chapter 1, article 3, of the Code of Alabama, render special legislation on this subject unnecessary; as in the language of section 1982, "all property of the wife, held by her previous to the marriage, or which she may become entitled to after the marriage, in any manner, is the separate estate of the wife, and is not subject to the payment of the debts of the husband." And by the provisions of section 2131, if the suit relates to her separate estate, she must sue or be sued alone.

I have carefully read the petition which accompanies the bill, and can find nothing therein which either asks or requires special legislation for the protection of Mrs. Clark beyond those privileges secured to her by the Code of Alabama.

The first section of the bill simply makes Mrs. Clark a "free dealer," but interposes no protection, as to after acquired property, against the creditors of the husband, and thus falls short of what is secured to her by the general law.

The second section gives her the right to sue and be sued. The Code provides for the same, where the separate estate of the wife is involved. But this section goes farther, and gives her "all rights and privileges, as if she were a *femme sole*," with no restraining words limiting this extraordinary grant of powers to the acquisition or control of property. Such legislation I cannot approve.

But apart from these objections, my opinion is fixed, that whenever, by the general law, any given relief is provided for by the interposition of the courts or otherwise, it is the true policy of the government to refuse applications for local, class, or special legislation, unless in the particular case there be circumstances taking it out of the purview, policy, or equity of the general law.

The bill and accompanying petition failing to put this case within the exception, I am constrained to withhold my concurrence.

JOHN A. WINSTON.

The veto message was then read, and the House proceeded to the consideration of the bill, and the question being shall the bill pass?

Lost.

Yeas 28: nays 45.

Yeas—Messrs. Barry, Bradley, Chapman, Critcher, Cun-

ningham, Echols, Garleck, Grnbbs, Haden, Howard, Larkins, Little, Maples, McBride, Miree, Owens, Portis, Powell, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Sykes, Thorn, Wright, and Woolsey—28.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Camp, Cochran, Curry, Ellis of Blount, Ellis of Benton, Fowler, Goode, Graham, Hobbs, Jones, King, Kirkland, Lockett, Lynch, Menasco, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Pryor, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Cherokee, Winston and Wood—45.

The House then proceeded to the consideration of the joint resolutions, and after some discussion on the amendment offered by Mr. Belser,

Mr. Staton called for the previous question, and the yeas and nays were demanded.

Carried.

Yeas 45 ; nays 24.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Burgess, Camp, Chapman, Curry, Ellis of Blount, Garleck, Haden, Jackson, Jones, Kirkland, Larkins, Little, Lockett, Lynch, Menasco, Maples, McConnell, McMullen, Milligan, Moragne, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Cherokee, Winston and Wood—45.

Nays—Messrs. Barry, Belser, Cochran, Critcher, Cunningham, Davis, Echols, Fowler, Grubbs, Hobbs, Howard, McBride, McClanahan, Miree, Odem, Powell, Pryor, Reid, Rhodes, Smith of Franklin, Sykes, Thorn, Ward of Dale and Wright—24.

Mr. Belser being entitled to the floor, the hour of 5 o'clock having arrived, the House stood adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, January 8, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The Journal was read and approved.

Mr. Browder introduced a bill to be entitled an act to make a loan to the Mobile and Girard Railroad Company.

Mr. Ellis of Blount :

A bill to repeal in part a certain section of the Code therein named, so far as relates to *Blount* county.

Mr. McMullen :

A bill to authorize Lemuel B. Antony to peddle in *Butler* county free of taxes and charge.

Mr. Ward of *Cherokee* :

A bill to be entitled an act to change the time of holding the Winter term of the Chancery court of *Cherokee* county.

Mr. Pennington :

A bill to authorize Warren Bailey to remove the estate of his ward, Louisa Ann Young, a minor heir of James A. Young, deceased, from this State to the State of Arkansas.

Mr. Woolsey :

A bill to be entitled an act requiring tax collectors to make out tax accounts.

Mr. Burgess :

A bill to be entitled an act to compel certain persons now exempt to work on public roads in *DeKalb* county.

Mr. Belser :

A bill to be entitled an act for the relief of the Administrators of the estate of Thomas S. Mays, and others.

Mr. Remson :

A bill to be entitled an act to incorporate the Alabama Copper Mining Company.

Mr. Powell :

A bill to be entitled an act to amend section 2424 of the Code of Alabama, so far as the same relates to *Tuskaloosa* county.

Said bills were severally read and ordered to a second reading.

Mr. Ellis of *Benton* :

A bill to regulate the pay of Sheriffs and Clerks of *Benton* county, for *ex officio* services, which was read, and the constitutional rule being suspended, the same was read the second and third times and passed.

Mr. Sanford introduced a bill to be entitled an act to amend the militia laws of this State, which was read, and on motion of Mr. Bishop, the constitutional rule was suspended, and the bill read the second time forthwith, and referred to the committee on Military.

Mr. Goode presented the petition of Isham Kimball of the county of *Clarke*, which was referred to the committee on Propositions and Grievances.

Mr. Fowler offered the following resolution, viz :

*Resolved*, That the rule requiring this House to adjourn at

1 o'clock, shall apply only to those days on which evening sessions are held.

It was ordered that said resolution lie on the table, to be taken up to-morrow.

Mr. Maples presented the petition of Capt. Isham Wright and others of Marshall county, which was referred to the committee on County Boundaries.

Mr. Maples presented the account of John P. Smith Esq., and others ;

Mr. Sykes presented the accounts of Alexander N. E. Smith, J. P.,

Which were severally referred to the committee on Accounts.

Mr. Belser introduced a bill to be entitled an act for the relief of the children of Early Lyon, late of Chambers county, which was read and constitutional rule being suspended, the same was read the second time and referred to the committee on Judiciary.

Mr. Powell presented the account of Alfred Robertson, which was referred to the committee on Accounts.

Mr. Menasco, introduced a bill to be entitled an act to authorize William Wathington, of the county of Walker, to erect a mill dam therein named, which was read and constitutional rule being suspended, the same was read second time forthwith and referred to the committee on Propositions and Grievances.

Also, the petition of James Cain, and sundry other citizens of Walker, which was referred to committee on Propositions and Grievances.

Mr. Cochran, moved to suspend reports, to present from C. C. Cabin, an ink stand to the Speaker of the House of Representatives, to remain on the Speaker's desk, for the use of the office, which was appropriately presented and received by Mr. Speaker Walker.

Reports from Standing committees.

Mr. Taylor of Chambers, from the committee on Accounts, to which was referred sundry accounts, reported a bill to be entitled an act for the benefit of certain persons therein named, which was read and under a suspension of the rule, the same was read second and third times forthwith and passed.

A message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills with the following titles :

To provide for the electing of county Commissioners in the county of Henry.

To incorporate the Mobile and Great Northern Railroad Company.

Also, a House bill for the relief of Elisha J. Greer, of Tallapoosa county.

Mr. Woolsey, from Select committee, to whom was referred the bill to more effectually secure subordination among slaves, &c., have considered the same and recommend its passage, with the following amendments, to wit:

Strike out ten in the fifth line of the first section and insert six.

Also, strike out two in the fifth line of the second section and insert one.

Said amendments were adopted.

Mr. Woolsey, moved to amend further, (Mr. Jackson in the Chair,) by striking out January and inserting March.

The hour of 11 o'clock having arrived, for which there being a special order.

Mr. Powell, moved to suspend the special order to dispose of the bill.

Carried.

Mr. Smith of Lauderdale, moved to lay the bill and amendment on the table.

Lost.

Yeas 24, nays 60.

Yeas—Messrs. Speaker, Beck, Cletcher, Ellis of Blount, Gilmore, Hobbs, King, Larkins, Lynch, Maples, McClanahan, McMullen, Milligan, Odom, Powell, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton and Wright.—24.

Nays—Messrs. Acree, Alford, Barry, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Byrne, Camp, Clanton of Montgomery, Cochran, Cunningham, Curry, Echols, Ellis of Benton, Fowler, Garleek, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Little, Lockett, Menasco, McBride, McConnell, Miree, Mearns, Moorner, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Remson, Rhodes, Smith of Mobile, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wood and Woolsey.—60.

Mr. Rice, moved to amend as follows:

Provided that the provisions of this act shall not apply to

the counties of Morgan, Lauderdale, Marshall, Wilcox, Limestone, Shelby, Butler and Blount.

Mr. Belser, moved to lay the amendment on the table.

Veto message from the Governor by J. D. Catlin, Jr., Private Secretary.

EXECUTIVE DEPARTMENT, January 8, 1856.

*To the House of Representatives:*

The bill to be entitled "an act for the relief of John Milford, Census Taker of Perry county, and other purposes," proposes by an act of the Legislature to relieve a public officer from the penalties imposed by a general law for a neglect or violation of duty voluntarily assumed.

The Constitution of this State separates and defines clearly the powers and duties of the different departments of the government. Article 2, Section 1, declares, "The powers of the government of the State of Alabama shall be divided into three distinct departments; and each of them confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judicial, to another." Section 2, says, "No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in instances hereinafter expressly directed or permitted."

By reference to Article 4, Section 11, of the Constitution, it will be seen that the power to remit fines and forfeitures is conferred upon the Executive department of the government. The exercise of this power, therefore, by the Legislature, in the passage of this bill, is clearly unconstitutional. The Supreme Court of this State has settled the question of the unconstitutionality of a similar enactment in the case of *Haley et. al. vs. Clark*, in twenty-sixth Alabama, from which I quote. The Court says, "The principal question is, whether this act is unconstitutional. By article 4, Section 11, of the Constitution of Alabama, the power to remit fines and forfeitures is given to the Governor, and by the second article, the powers of the government are divided into three distinct departments—the legislative, executive and judicial, and no one of these departments, or person belonging thereto, can exercise any power properly belonging to either of the others, unless expressly directed or permitted by the Constitution. The power to pardon offences, except in cases of treason and impeachment, and to remit fines and forfeitures, being, as we have seen, confided by the fundamental law to the executive branch of the government alone, this power is virtually denied



to any other department, and cannot, therefore, be exercised by the Legislature. The only question is, whether the act referred to is, directly or indirectly, an attempt to remit a fine; for if it be so, the mode or manner in which it is to be done is entirely immaterial. It is the right which the constitution denies, without reference to the mode in which it may be exercised. We regard the act in question as a donation to the parties therein named of the amount of a fine which had been imposed on them in pursuance of law, upon making proof to the Treasurer that they had paid it. A pardon is nothing more than relieving one from the penalty which the law has placed him under, and has the effect of restoring him to his condition before conviction.

“It is impossible for any one to read the first section of the act, without seeing that its purpose is identical with a pardon. The plain intention is, to relieve the parties against a fine which the law has imposed on them—to place them, by the repayment of the money, in the same condition they occupied before conviction; and this being the case, it matters not whether the act is passed before or after the fine is paid. It is the substance of the thing we must look at; and certainly it never could have been the intention of the framers of the Constitution to prohibit the Legislature from remitting a fine, and yet allow that body to accomplish the same result by compelling the fine when paid to be refunded. If that could be done, the prohibition would be nugatory. The Governor might refuse to pardon, and the Legislature direct the Treasurer to pay the party the amount of his fine. We can see no real difference between the two cases. If the Legislature have the right to give away the public money—in relation to which we say nothing—they at least have not the constitutional right to give it for the purpose of enabling an offender to relieve himself against a fine; and if that purpose appears upon the face of the act, courts could not do otherwise than declare it invalid. This is the case here: certain parties have been fined; it is not pretended the fine has been remitted by the Governor; it is conceded that the Legislature has not the authority to remit; but after payment, it is insisted, that body may legitimately refund the fine. To sustain this position would be to allow one department of the government to trench upon the powers of another, and to defeat the purpose which the Constitution contemplated in confining the pardoning power to one branch of the government, by permitting it to be indirectly exercised by another.”

Were there no constitutional objections to Legislative par-

ctions and remissions of penalties, fines and forfeitures, I conceive the policy of such special enactments for the benefit of unfaithful public officers calculated to do great injury to the public service. A more rigid accountability for the faithful discharge of their obligations to the public, is much more to be desired than a relaxation of law. already light enough in its character and enforcement.

I find no reasons accompanying this bill to cause an exception in favor of the defaulting officer proposed to be relieved. I, therefore, withhold my approval to the bill.

JOHN A. WINSTON.

The message was read.

Mr. Belser, moved to postpone the further consideration of the bill and veto message, until Saturday next at 10 o'clock, A. M.

Motion prevailed.

Mr. Rice, moved to suspend the business before the House, to offer a resolution.

Carried.

*Resolved*, That the hall of the house be granted to the Democratic and Anti-Know Nothing Convention to-morrow at 12 o'clock, M.

Adopted.

On motion of

Mr. Curry, the House adjourned until half past 9 o'clock.

WEDNESDAY, January 9. 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

The Journal read and approved.

On motion the roll was called and the following members answered to their names.

Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Camp, Cochran, Critcher, Curry, Ellis of Blount, Fowler, Graham, Jackson, Jones, Larkins, Lockett, Lynch, McBride, McClanahan, McConnell, McMullen, Nahors, Peddy, Portis, Powell, Pryor, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood.—48.

No quorum present.

After a short time the Speaker announced a quorum present and the House proceeded to business.

Mr. Speaker, laid before the House a record of divorce,

which was referred to the committee on Divorce and Alimony.

Mr. Jackson, introduced a bill to be entitled an act to incorporate the Autaugaville Male and Female Academy, which was read and constitutional rule being suspended the same was read second time and referred to the committee on Corporations.

Mr. Ellis of Benton, introduced a bill to be entitled an act to incorporate the town of Jacksonville in Benton county, which was read and under a suspension of the constitutional rule, the same was read second and third times forthwith and passed.

Mr. Goode, presented the petition of Isham Kimball and others, for purposes therein named, which was referred to committee on Propositions and Grievances.

Also, introduced a bill to be entitled an act to alter the county boundary line between the counties of Monroe and Clark, which was read and referred to committee on County Boundaries.

Mr. Milligan, introduced a bill for the relief of Lucius L. Rolfe, of the county of Coffee.

Mr. Pryor, introduced a bill to repeal in part a certain act therein named, rule being suspended the same were severally read second time and referred to the committee on Judiciary.

Mr Pynes :

A joint memorial of the General Assembly of the State of Alabama to the President of the United States, which was read and ordered to a second reading.

Mr. Owens, presented the account of A. M. Skepper, Sheriff of Henry county, which was referred to the committee on Accounts.

Mr. Camp, introduced a bill to authorize the Door Keeper of the Senate and House, to hire servants to wait on them in the Capital after the present Session.

Mr. Echols, introduced a bill to be entitled an act for the relief of Edward Williams.

Also, a bill to be entitled an act for the relief of M. B. Breedlove.

Mr. Smith of Mobile :

A bill to be entitled an act to prevent betting at ten pins.

Said bills were severally read and ordered to a second reading.

Mr. Howard of Mobile, introduced a bill in reference to retailing spirituous liquors in the county of Mobile, which was

read and referred to committee on Propositions and Grievances.

Mr. Clanton of Montgomery, introduced a bill to be entitled an act to incorporate the Alabama River Bridge Company, which was read and constitutional rule being suspended, the same was read second time and referred to the committee on Corporations.

Mr. McMullen, moved to suspend the regular order of business, to allow him to introduce a resolution.

Motion prevailed.

Mr. McMullen, then offered the following resolution which was adopted.

*Resolved*, That the committee on Education, be instructed to enquire into the expediency of abolishing the office of Superintendent of Education and to report by bill or otherwise.

Mr. Echols, moved to suspend further, to take up the bill to be entitled an act to authorize Joseph Haghey, Administrator of Samuel B. Jordan, deceased, to remove his Administration from Pike to Macon county.

Carried.

The bill was read and under a suspension of the rule the same was read third time forthwith and passed.

Mr. Staton, moved to suspend further, to offer a resolution.

Carried.

Mr. Staton, then offered the following resolution :

*Resolved*, That the committee on Education be instructed to inquire into the expediency of requiring the several Tax Collectors of this State, to pay the School Commissioners of each county, the funds raised for educational purposes under the General law, and the funds arising from the 16th Sections and to report by bill or otherwise.

Adopted.

Mr. Maples, moved to suspend further, to offer a resolution.

Carried.

Mr. Maples, then offered the following resolution :

*Resolved*, That from and after this date, this House shall hold Evening Sessions on Tuesdays, Thursdays and Saturdays, to meet at 3 o'clock, P. M., and adjourn at 5 P. M.

Ordered to lie over for one day.

Rule offered by Mr. Fowler on yesterday taken up and adopted.

*Resolved*, That the rule requiring this House to adjourn at

one o'clock, shall only apply to those days on which Evening Sessions are held.

*Provided further.* That the provisions of this act shall apply to the members of the present Legislature.

The House proceeded to the consideration of the bill to more effectually to secure subordination among slaves, and the question being on motion by Mr. Belser, to lay the bill and amendment on the table.

(Mr. Cochran in the Chair.

Carried.

Yeas 44, nays 25.

Yeas—Messrs. Acree, Beavers, Belser, Bishop, Bradley, Burgess, Camp, Cunningham, Curry, Davis, Ellis of Benton, Fowler, Goode, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Maples, McConnell, Milligan, Mirce, Moragne, Nabors, Nicholson, Owens, Peddy, Portis, Pynes, Reid, Remson, Rhodes, Smith of Mobile, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wood and Woolsey.—44.

Nays—Messrs. Barry, Brown of Tuskaloosa, Browder, Byrne, Carpenter, Clanton of Montgomery, Cochran, Critcher, Echols, Ellis of Blount, Galloway, Gilmore, Grubbs, King, Larkins, McClanahan, McMullen, Odom, Powell, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton and Wright.—25.

Mr. McMullen, moved to lay the bill on the table.

Lost.

Yeas 23, nays 56.

Yeas—Messrs. Brown of Tuskaloosa, Byrne, Carpenter, Critcher, Ellis of Blount, Galloway, Gilmore, Grubbs, King, Larkins, Maples, McClanahan, McMullen, Milligan, Odom, Powell, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton and Wright.—23.

Nays—Messrs. Acree, Barry, Beavers, Belser, Bishop, Bradley, Burgess, Camp, Clanton of Montgomery, Cochran, Cunningham, Curry, Davis, Echols, Ellis of Benton, Fowler, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Lockett, McConnell, Mirce, Moragne, Moorer, Nabors, Nicholson, Owens, Peddy, Portis, Pynes, Reid, Remson, Rhodes, Smith of Mobile, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wood and Woolsey.—56.

Mr. Pryor, moved to amend by adding or agent.

The amendment was adopted.

Mr. Camp, moved to suspend the order of business.

Lost.

The bill was ordered to be engrossed.

Mr. Belser, moved to reconsider the vote by which the House refused to lay the bill on the table and the amendment by adding white before agent.

Mr. Bishop, moved to suspend business, to enable him to present a petition.

Mr. Bishop, then presented the petition of Duncan Brown, and sundry other citizens of Talladega county, on the subject of camp hunting, which was referred to committee on Propositions and Grievances.

Mr. Woolsey, from Select committee to which was referred the resolution to inquire into the expediency of requiring by law owners of slaves, to keep a white person on their plantations, reported that they have considered the same and report back the bill submitted to said committee and recommend its passage.

The resolution and report was ordered to lie on the table.

Engrossed bills:

For the relief of John A. Stow and Isaac Stow, of Tallapoosa county.

Joint resolutions to authorize the loan of muskets to the Rehoboth Male Academy.

Were severally read third time and passed.

The Senate bill for the relief of Register and Chancery, was read third time and passed.

Yeas 57, nays 14.

Yeas—Messrs. Barry, Beavers, Beck, Belser, Bishop, Brown of Tuskaloosa, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Benton, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jones, King, Kirkland, Larkins, Little, Lockett, McClanahan, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Odom, Peddy, Portis, Powell, Pryor, Reid, Remson, Rice, Sheffield, Smith of Franklin, Smith of Mobile, Sykes, Taylor of Chambers, Ward of Cherokee, White, Winston, Wright, Wood and Woolsey.—57.

Nays—Messrs. Bradley, Brown of Marion, Chapman, Ellis of Blount, Fowler, Maples, Moragne, Nicholson, Owens, Rhodes, Sanford, Staton, Taylor of Coosa, Thorn and Ward of Dale.—14.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order, it being the joint resolutions on the state of public affairs. and on motion

i was postponed until Monday morning next at 11 o'clock, A. M.

Mr. Davis, moved to suspend all special orders to dispose of the bill for the relief of certain persons therein named.

Carried.

Said bills were severally read third time and passed.

The House then proceeded to the consideration of the bill for the relief of certain persons therein named, which was read third time and passed.

The House then proceeded to the next special order, it being the bill to build the Alabama Central Railroad, and on motion, the same was postponed until Tuesday, 15th instant, and made special order for the hour of 11 o'clock, A. M., of that day.

The next special order being the joint resolutions of the General Assembly, providing for a call of a convention, was on motion suspended to take up the general orders.

Engrossed bill :

To authorize Charles Dear to erect gates across a certain road therein named, was read third time and passed.

The bill to authorize all tax collectors to receive all solvent bills of the State Bank and Branches, together with all other bank bills that is at par in the city of Montgomery for tax due said State and counties, was read second time and postponed until Tuesday 18th instant, at 12 o'clock, M.

The bill establishing annual sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof, was read the second time, and referred to the committee on Ways and Means.

The bill authorizing the burning of certain bank bills of the State Bank and Branches, was read second time and referred to the committee on Banks and Banking.

The bill to amend section 2447 of the Code of Alabama :

The bill to allow constables to have deputies ;

To change the names of certain persons therein named ;

Were severally read and referred to the committee on the Judiciary.

House proceeded to the consideration of the bill for the relief of Thomas Long of Talladega county, was read second time, and on motion of Mr. Belser, laid on the table.

The bill to regulate sheriff and constable duty in St. Clair county, was read second time and ordered to be engrossed.

The bill to make Franky T. Preston, of Morgan county, a free dealer, was read second time and referred to the committee on Divorce and Alimony.

The bill to authorize the increased tax on retailers in the city of Montgomery, was read second time.

Mr. Camp moved that the bill be referred to the committee on corporations.

Lost.

Mr. Camp then moved to lay the bill on the table, and the yeas and nays were called.

Yeas—Messrs. Beavers, Bishop, Bradley, Brown of Marion, Browder, Camp, Critcher, Hancock, King, Little, Menasco, Maples, McMullen, Smith of Lauderdale, Taylor of Chambers, Taylor of Coosa, Towles, Wright and Woolsey—18.

Messrs. Speaker, Acree, Belser, Brown of Tuskaloosa, Byrne, Carpenter, Clanton of Montgomery, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Grubbs, Haden, Hobbs, Howard, Kirkland, Larkins, McCannahan, McConnell, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Staton, Sykes, Thornton, Thorn,\* Ward of Dale, Williams and Wood—51.

The bill to establish a Medical Board in the county of Pickens, was read second time and referred to the committee on Corporations.

The bill authorizing a loan to the Wills Valley Railroad Company, was read second time and referred to the committee on Internal Improvements.

The bill to make Malinda Ann Mahone, of the county of Macon, a free dealer, was read second time.

Mr. Echols moved to suspend the rule, so as to give the bill a third reading forthwith.

Mr. Belser moved to refer the bill to the Judiciary, and the yeas and nays were demanded.

Yeas 35 ; nays 26.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Burgess, Byrne, Carpenter, Clanton of Montgomery, Curry, Ellis of Blount, English, Fowler, Galloway, Graham, Haden, Hancock, Hobbs, King, Kirkland, Larkins, Menasco, McMullen, Moragne, Moorer, Pynes, Remson, Rice, Sanford, Smith of Lauderdale, Smith of Franklin, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Cherokee, Wright and Wood—35.

Nays—Messrs. Barry, Bradley, Camp, Critcher, Cunningham, Echols, Gilmore, Grubbs, Howard, Little, Lockett, Ma-



ples, Milligan, Miree, Nabors, Nicholson, Odem, Owens, Peddy, Portis, Powell, Reid, Rhodes, Sheffield, Taylor, of Chambers, Towles—26.

The bill to make Sarah Ann McBryde, of the county of Sumter, a free dealer, was read the second time, and on motion of Mr. Rice, was laid on the table.

And, on motion of Mr. Belser, the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY, January 10, 1856.

Huse met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

On motion, the roll was called, and the following members answered to their names:

Messrs. Speaker, Acree, Barry, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Cunningham, Echols, Fowler, Gilmore, Goode, Howard, Jones, Kirkland, Little, Lockett, McClanahan, McConnell, McMullen. Milligan, Miree, Moorner, Nabors, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pryor, Pynes, Reid, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Towles, Ward of Dale, White, Williams, Wright and Woolsey.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

The hour of quarter before ten having arrived, the House proceeded to the consideration of the special order, it being the bill to make a loan to the Alabama and Tennessee River Railroad Company, and the question being, shall the bill pass?

Mr. Woolsey moved to suspend all special order to dispose of said bill.

Carried.

And the bill was then read the third time and passed.

Yeas 51; nays 37.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, King, Larkins, Little, Lockett, Lynch, McClanahan, McMullen, Miree, Moragne, Odem, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—51.

Nays—Messrs. Acree, Alford, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Cunningham, Dawson, Fowler, Garleck, Gilmore, Graham, Grubbs, Jackson, Jones, Kirkland, Maples, Menasco, McBride, McConnell, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams and Wood—37.

Mr. Woolsey moved to suspend the business before the House to take up the bill to make a loan to the Mobile and Girard Railroad.

The motion prevailed, and the bill was read second time and referred to the committee on Internal Improvements.

Mr. Maples moved to suspend business before the House to take up the Senate bill, making an appropriation to pay Edmond Rieves, Jailor of Jackson county, for victualing a person confined in the jail of said county.

The bill was read, and under a suspension of the rule, the bill was read a second time and referred to the committee on Accounts.

Mr. McMullen moved to suspend the special order, in order to take up the bills :

To make a loan to the Alabama and Florida and Mississippi Railroad Companies.

Lost.

The House then proceeded to the consideration of the special order, it being the joint resolutions providing for a call of a convention, the question being upon the adoption of the amendment offered by Mr. Winston.

Mr. Fowler moved to lay the amendment on the table, and the yeas and nays demanded.

Lost.

Yeas 30 ; nays 54.

Yeas—Messrs. Speaker, Acree, Bernhard, Belser, Bishop, Brown of Tuscaloosa, Browder, Camp, Carpenter, Chapman, Cochran, Crawford, Curry, Fowler, Garleck, Howard, Little, Lockett, Maples, McClanahan, McMullen, Milligan, Nicholson, Oden, Peddy, Pynes, Rhodes, Smith of Franklin, Smith of Lauderdale, and Wright—30.

Nays—Messrs. Alford, Beavers, Beck, Bradley, Brown of Marion, Burgess, Byrne, Clanton of Montgomery, Critcher, Cunningham, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Galloway, Gilmore, Grubbs, Haden, Hancock, Jackson, Jones, King, Kirkland, Larkins, Lynch, Menasco, McBride, McConnell, Miree, Moragne, Moorer, Nabors, Owens,

Portis, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, White, Williams, Winston and Wood—54.

The question then being upon the adoption of Mr. Winston's amendment.

Mr. Smith of Franklin, moved the previous question, and the yeas and nays demanded.

Lost.

Yeas 39 ; nays 52.

Yeas—Messrs. Speaker, Acree, Belser, Bishop, Browder, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Curry, Davis, Fowler, Garleck, Howard, Lockett, Maples, McBride, McClanahan, McMullen, Milligan, Nabors, Nicholson, Oden, Owens, Peddy, Pynes, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Williams, Winston and Wright—37.

Nays—Messrs. Alford, Beavers, Beck, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Byrne, Carpenter, Critcher, Cunningham, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Little, Menasco, McConnell, Miree, Moragne, Moorer, Pennington, Portis, Powell, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White and Wood—52.

Mr. Nabors moved to suspend the business before the House to enable him to introduce a resolution.

Carried.

Mr. Nabors then offered the following resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House on Saturday next, at 12 o'clock, M., to elect a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. George Goldthwaite.

Mr. Carpenter moved to amend said resolution by striking out Saturday and inserting Tuesday.

Adopted.

Mr. Smith of Mobile, moved to amend by striking out Saturday and inserting Wednesday.

Lost.

The question then recurred upon the adoption of the resolution, and the same was adopted.

The question then recurred upon the amendment offered by

*Mr. Winston*, to the joint resolutions, providing for a call of a convention.

Pending which, on motion, the House adjourned until tomorrow morning 9 o'clock.

FRIDAY, January 11, 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

The journal was read and approved.

*Mr. Jackson* presented the petition of sundry citizens of Autauga, which was referred to the committee on Corporations. (On the subject of military school.)

Also, introduced a bill to be entitled an act to incorporate the Planters' Factory, at Autaugaville, which was read, and constitutional rule being suspended, the same was read second and third times and passed.

*Mr. Ellis* of Benton, introduced a bill to amend in part section 661 of the Code, so as to limit the term of office of Judge of Probate to four years, which was read, and under a suspension of the constitutional rule, was read a second time forthwith, and referred to the committee on Judiciary.

The hour of quarter before 10 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to incorporate the Commercial Bank of Alabama.

*Mr. Howard* moved to suspend the special order to take up the bill making appropriations for the completion of the Alabama Insane Hospital.

Carried.

And the consideration of said bill was postponed until Tuesday next, 16th instant, at 11 o'clock, A. M.

*Mr. Smith* of Lauderdale, moved that said Bank be located at Florence.

*Mr. Rice*, at the town of Decatur, Morgan county.

*Mr. Thornton*, at Tuscumbia.

*Mr. Camp*, at Selma, Dallas county.

*Mr. Ellis* of Blount, at Blount Springs.

*Mr. Cochran*, at Eufaula, Barbour county.

*Mr. Jackson*, at Wetumpka.

*Mr. McConnell*, at Tuskaloosa.

*Mr. Brown* of Marion, at Houston, Hancock county.

Those who voted to locate the Bank at Florence, were :

Messrs. Speaker, Little, Maples and Smith of Lauderdale.

For Decatur :

Messrs. Hobbs, Pryor and Rice.

For Tuscumbia :

Messrs. Menasco, McConnell, Nabors, Powell, Smith of Franklin, Sykes, Thornton and Thorn.

For Selma :

Messrs. Barry, Beavers, Bernhard, Beck, Bishop, Bradley, Byrne, Camp, Carpenter, Clanton of Montgomery, Critcher, Curry, Echols, Ellis of Benton, Fowler, Galloway, Gilmore, Haden, Howard, Jay, King, McClanahan, McMullen, Moragne, Moorer, Owens, Pennington, Portis, Reid, Remson, Sanford, Sheffield, Smith of Mobile, Ward of Cherokee. White. Williams, Wright and Woolsey.

For Blount Springs :

Messrs. Ellis of Blount, and Staton.

For Eufaula :

Messrs. Acree, Alford, Belser, Browder, Burgess, Chapman, Cochran, Cunningham, Dawson, Garleck, Grubbs, Hancock, Larkins, Lockett, McBride, Milligan, Nicholson, Odem, Peddy, Pynes, Rhodes, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale. Winston and Wood.

For Wetumpka :

Messrs. Graham. Jackson and Taylor of Coosa.

For Tuskaloosa :

Messrs. Brown of Tuskaloosa, Jones, Kirkland. Menasco, McConnell and Powell.

For Camden : Messrs. Goode and Lynch.

For Houston : Mr. Brown of Marion.

Neither of the places having received a majority of the votes cast, the House proceeded to ballot a second time.

Names of Florence, Tuscumbia, Blount Springs, Wetumpka, Tuskaloosa, Houston and Camden being withdrawn.

Those who voted for Selma were :

Messrs. Barry. Beavers, Bernhard, Bishop, Bradley, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Clanton of Montgomery, Critcher, Curry, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Graham, Haden, Howard, Jockson, Jay, Jones, King, Kirkland, Little, Menasco, McClanahan, McConnell, McMullen, Moragne, Moorer, Nabors, Owens, Pennington, Portis, Reid, Remson, Sanford, Sheffield, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thornton, Wark of Cherokee, White. Williams, Wright and Woolsey—51.

For Eufaula :

Messrs. Speaker, Acree, Alford, Belser, Brown of Marion, Browder, Burgess, Chapman, Cochran, Cunningham, Daw-

son, Garleck, Goode, Grubbs, Hancock, Larkins, Lockett, Lynch, Maples, McBride, Milligan, Nicholson, Odem, Peddy, Powell, Pynes, Rhodes, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Thorn, Towles, Ward of Dale, Winston and Wood—34.

For Decatur :

Messrs. Hobbs, Pryor, Rice and Smith of Franklin—4.

On casting up the votes, it appearing that Selma had received a majority of all the votes cast, Mr. Speaker (Mr. Jackson in the chair) declared it to be the location of said Bank.

The bill was then passed.

Yeas 61 ; nays 27.

Yeas—Messrs. Barry, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, McBride, McClanahan, McMullen, Milligan, Moragne, Moorser, Odem, Owens, Peddy, Powell, Pryor, Reid, Remson, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Chambers, Thornton, Ward of Cherokee, Ward of Dale, White, Wright and Woolsey—61.

Nays—Messrs. Acree, Beck, Brown of Marion, Burgess, Chapman, Dawson, Garleck, Gilmore, Goode, Graham, Hancock, Lynch, Maples, Menasco, McConnell, Nabors, Pennington, Portis, Pynes, Rice, Sheffield, Smith of Randolph, Taylor of Coosa, Thorn, Williams, Winston and Wood—27.

The House then proceeded to the consideration of the next special order, it being the joint resolutions providing for a call of a convention.

Mr. Lynch moved to amend by striking out the first Monday in May and inserting the first Monday in August.

Mr. Davis moved to lay the amendment on the table, and the yeas and nays demanded.

Yeas 85 ; nays 4.

Yeas—Messrs. Alford, Barry, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Kirk-

land, Larkins, Little, *Maples*, Menasco, McBride, *McClanahan*, McConnell, *McMullen*, Milligan, Miree, Moragne, *Moorer*, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of *Mobile*, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, White, Williams, Winston, Wright, Wood and Woolsey—86.

Nays—Messrs. Acree, Goode, Lockett and Lynch.

The question then recurred upon the amendment of Mr. Winston, and the yeas and nays were demanded.

Yeas 52 ; nays 36.

Yeas—Messrs. Alford, Barry, Beavers, Bradley, Brown of Marion, Burgess, Carpenter, Critcher, Cunningham, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Gilmore, Graham, Grubbs, Haden, Harcock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, *Menasco*. McConnell. Miree, Moragne, *Moorer*, Pennington, Portis, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—52.

Nays—Messrs. Acree, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Mont., Cochran, Crawford, Curry, Davis, Echols Fowler, Garleck, Goode, Howard, Jay, Lynch, *Maples*, McBride, *McClanahan*, *McMullen*, Milligan, Nabors, Nicholson, Odem, Owens, Peddy, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of *Mobile*, and Wright—36.

Mr. Jay, offered the following amendment :

Amend by striking out all after the enacting clause and insert the following :

That a committee of nine be raised on the part of the House, one from each Judicial Circuit, to act with a like committee on the part of the Senate, to whom shall be referred the Constitution of the State, with instructions to report to the two Houses as soon as practicable, such amendments as they in their judgment deem necessary.

*Resolved*, 2. That the members of this committee be excused from other committee duties, during their labors.

*Resolved*, 3d. That this committee be raised by the delegation from each Judicial Circuit.

Mr. Thornton, moved to lay the amendment on the table.

Carried.

Yeas 55, nays 36.

Yeas—Messrs. Alford, Barry, Belser, Bishop, Bradley, Burgess, Camp, Clanton of Montgomery, Cochran, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Galloway, Grubbs, Haden, Hancock, Hobbs, Howard, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, M. ples, McConnell, Milligan, Moragne, Moorcr, Nabors, Nicholson, Pennington, Portis, Pryor, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thoruton, Thorn, Williams, Winston and Wood.—55.

Nay.—Messrs. Speaker, Beavers, Bernhard, Beck, Brown of Marion, Brown of Tuskaloosa, Byrne, Carpenter, Chapman, Critcher, Dawson, Fowler, Garleck, Gilmore, Goode, Jackson, Jay, Menasco, McBride, McClanahan, McMullen, Miree, Odom, Owens, Peddy, Powell, Pynes, Reid, Smith of Randolph, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, White and Wright.—36.

Mr. Winston, moved to refer the original resolution with the amendment, which was adopted, to a committee of one from each Congressional District.

Mr. Davis, moved to amend as follows:

That the committee report according to the test vote on this subject.

Mr. Brown of Marion, (Mr. Jackson in the Chair,) moved to indefinitely postpone the resolutions and amendments.

The motion was ruled out of order.

Mr. Critcher, moved to suspend the rule requiring the House to meet at three o'clock this evening.

Carried.

Mr. Critcher, then moved that when the House adjourns, it adjourns to meet again at half past 9 o'clock to-morrow morning.

Which motion prevailed.

Mr. Brown of Marion, appealed from the decision of the Chair, and the question being shall the decision of the Chair stand as the decision of the House.

Yeas 83, nays 3.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Lit-



tle, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Odom, Owens, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston, Wright, Wood and Woolsey.—83.

Nays—Messrs. Brown of Marion, Lockett and Remson.—3.

The House stood adjourned until to-morrow morning half past 9 o'clock.

SATURDAY, January 12, 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Journal was read and approved.

Mr. Miree, asked and obtained leave to record his vote in the affirmative, in the location of and the passage of the bill establishing the Commercial Bank of Alabama at Selma.

Granted.

Mr. Ellis of Benton, introduced a bill for the relief of Daniel A. Self, of Benton county, which was read and the constitutional rule being suspended, the same was read second time and referred to the committee on Propositions and Grievances.

Mr. Bradley, introduced a bill to regulate the expenditure of the Free Public School fund, which was read and the constitutional rule being suspended, the same was read second time forthwith and referred to the committee on Education.

Also, presented a petition for the relief of Wm. A. Clifton, which was referred to the committee on Accounts.

Mr. Goode, introduced a bill to be entitled an act to regulate the publications made by the several Probate Judges of the State of Alabama.

Mr. Carpenter, introduced a bill to amend section 1917 of the Code of Alabama.

Said bills were severally read and ordered to a second reading.

Mr. Graham, introduced a bill to extend the fall term of the Chancery Court at Wetumpka, to give the county of Shelby an additional term and to postpone the commencement of the fall term for Dallas, Perry and Greene counties, which was read and constitutional rule being suspended, the same was read second and third times fourthwith and passed.

Mr. Ward of Dale, presented the petition of Wm. B. Brannerville, of Dale county.

Mr. Ward of Cherokee, presented a petition for the relief of the Sheriff of Cherokee county.

Which were severally read and referred to the committee on Accounts.

Mr. Woolsey, introduced a bill to incorporate the Selma and Tuskaloosa Telegraph Company, which was read and constitutional rule being suspended, the same was read second and third times forthwith and passed.

Mr. Winston, presented a petition to establish the line between DeKalb and Cherokee, which was referred to a select committee, composed of the counties of DeKalb and Cherokee.

Mr. Burgess, presented the petition of sundry citizens of DeKalb county, praying the passage of an act to establish the line between DeKalb and Marshall, which was referred to the committee on County Boundaries.

Mr. Smith of Franklin, introduced a bill to change the name and boundaries between the county of Hancock and for other purposes, which was read and the rule being suspended the same was read second time forthwith and referred to the committee on County Boundaries.

Also, four petitions from sundry citizens of Franklin county, praying the passage of an act establishing a new county, &c., which were severally referred to the committee on County Boundaries.

Mr. Thornton, moved to suspend the call of the counties, to allow him to introduce a resolution.

Carried.

Then offered the following :

*Resolved*, That the committee on education be instructed to inquire into the expediency of making some provisions for the education of the Deaf and Dumb of the State, either within the State or at Knoxville, Tennessee, for Deaf and Dumb, and report by bill or otherwise.

Said resolution was adopted.

Mr. Carpenter, introduced a bill to be entitled an act to incorporate the Eutaw Insurance Company, which was read and constitutional rule being suspended, the same was read second time and referred to the committee on Corporations.

Mr. Fowler, introduced a bill to be entitled an act to incorporate the Newburn Male Academy in Greene county.

Mr. Cunningham, introduced a bill to authorize the Ad-

ministrator of Warren Herrin, to remove the Administration from the county of Russell to Macon.

Said bills were severally read and constitutional rule being suspended, the same were severally read second and third times forthwith and passed.

Mr. Maples, moved to suspend the call of the counties, to take up the resolution offered by him in relation to Evening Sessions.

Said motion was lost.

Mr. Sykes, presented the petition of Thomas Chilcourt, asking for compensation for pursuing and apprehending a fugitive from justice, which was referred to the committee on Propositions and Grievances.

Mr. Pryor, introduced a bill to authorize the dismissal of suits in Chancery in vacation.

A bill to be entitled an act to authorize the appointment of receivers in Chancery in vacation.

Also, a bill to authorize the issuance of writs of Attachments out of the Courts of Chancery.

Said bills were severally read and constitutional rule being suspended the same were severally read second time and referred to the committee on Judiciary.

Mr. Moorer, introduced a bill to be entitled an act for the relief of Richard K. Harrison and other persons therein named, of the county of Autauga, which was read and constitutional rule being suspended, the same was read second time forthwith and referred to the delegations composed of the counties of Autauga and Lowndes.

Mr. Barry, presented the account of James L. Merriwether, which was referred to the committee on Accounts.

Mr. Haden, introduced a bill to alter and amend section 3640 of the Code of Alabama, which was read and constitutional rule being suspended the same was read second time and referred to committee on Judiciary.

Mr. Cunningham, introduced a bill to be entitled an act to amend section 2504 of the Code of Alabama, which was read and the rule being suspended, the same was read the second time and referred to the committee on Judiciary.

Mr. Sheffield, introduced a bill to be entitled an act for the relief of Horatia Furgerson and Jeremiah Lafarlete, of Marshall county, which was read and under a suspension of the rule was read second time forthwith and referred to the committee on Propositions and Grievances.

Mr. Nabors, introduced a bill to be entitled an act to regulate the sale of spirituous liquors in the county of Morgan,

which was read and under a suspension of the rule the same was read second time.

Mr. Fowler, moved to amend by adding the counties of Greene, St. Clair, Washington and Franklin.

Mr. Thornton, moved to suspend the further consideration of the bill to take up the general bill on the subject.

Said motion was lost.

The amendment of Mr. Fowler, was adopted and the bill as amended under a suspension of the rule, was read third time and on motion of

Mr. Moorcr, postponed and made the special order for Monday week at 12 o'clock, M., of that day.

Mr. Nabors, presented the petition of sundry citizens of Morgan county on the same subject.

Mr. Reid, introduced a bill to amend section 630 of the Code of Alabama, so as to allow Circuit Judges to interchange with each other.

Mr. Wood :

A bill to be entitled an act to repeal certain acts regulating Justices Courts in the county of Randolph.

Mr. Curry, introduced a bill to enforce the land warrant of Carter Tenant, late of Talladega county.

Mr. Remson :

A bill for the better protection of Mechanics of the State of Alabama.

Said bills were severally read and under a suspension of the constitutional rule, the same were severally read second time and referred to the committee on Judiciary.

Mr. Nabors :

A bill to incorporate the Pickens Insurance Company, which was read and under a suspension of the rule, the same was read second time and referred to the committee on Corporations.

Also, a bill to incorporate the Pickens and Noxubee Railroad Company.

Mr. Wood :

A bill to incorporate the LaGrange and Oxford Railroad Company.

Said bills were severally read and constitutional rule being suspended, the same were severally read second time and referred to the committee on Internal Improvements.

Mr. Howard, gave notice that he would move to reconsider the vote by which the amendment offered by Mr. Jay, to the joint resolutions providing for a call of a convention, was laid on the table.

Mr. Gilmore :

A bill to authorize the Sheriff of Sumter county, to summons bailiffs in certain cases, which was read and constitutional rule being suspended, the same was read second and third times forthwith and passed.

Also, presented the petition of Joseph Patton, in relation to the will of Wayne C. Patton, deceased, which was referred to the committee on Judiciary.

Mr. Curry, introduced a bill to incorporate the Alabama Manufacturing Company at Selma, which was read and under a suspension of the rule, the same was read second and third times forthwith, and the yeas and nays demanded.

The bill passed.

Yeas 65, nays 11.

Yeas—Messrs. Alford, Barry, Beavers, Bishop, Brown of Marion, Brown of Tuscaloosa, Browder, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Miree, Moorer, Nicholson, Oden, Peddy, Pennington, Pontis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Smith of Franklin, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thorn, Ward of Cherokee, White, Winston, Wood and Woolsey.—65.

Nays—Messrs. Acree, Beck, Belser, Bradley, Davis, Goode, Graham, Menasco, Moragne, Sanford and Taylor of Coosa.—11.

Messrs. Davis and Belser, asked and obtained leave to change their votes from the affirmative to the negative on the passage of said bill.

A message from the Senate by Mr. Tanl.

Mr. Speaker :

The Senate concurs in the amendments of the House, to the bill to make a loan to the Alabama and Tennessee Rivers Railroad Company.

The Senate has originated and passed bills of the following titles :

For the payment of certain claims against the State.

To repeal sections 3289 and 3290 of the Code.

To authorize overseers of the Hamburg and Uniontown public road in the county of Perry, to use timber for said road, under certain circumstances.

To authorize the Commissioners of Revenue of Mobile county, to erect poor houses.

To incorporate the Macon county Railroad Company.

To prevent the retailing of spirituous or vinous liquors, within one mile of the Jacksonville Academy in the county of Mobile.

To prevent the retailing of spirituous or vinous liquors within two miles of the school edifice, known as the Marshall Institute in the county of Marshall.

To prevent the sale of spirituous liquors, within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church at Athens, Alabama.

The Senate has also, passed a bill from the House to repeal an act incorporating the town of Jacksonville, in Benton county.

Mr. Bishop, moved to suspend the call of the counties, to allow him to introduce a resolution.

Carried.

Mr. Bishop, then offered the following resolution :

*Resolved*, That the committee on Judiciary be instructed to inquire into the expediency of dividing the State into twelve Judicial Circuits, fixing the compensation of the Judges at fifteen hundred dollars, with leave to report by bill or otherwise.

Said resolution was referred to the committee on Judiciary.

Mr. Lockett, introduced a bill to be entitled an act for the relief of Edmond Franklin, which was read and constitutional rule being suspended, the same was read second time forthwith and referred to the committee on Accounts.

Hour of 11 o'clock having arrived, for which there being a special order.

Mr. Ellis of Blount, moved to suspend the special order, to finish the call of the counties.

Carried.

Mr. Beck, introduced a bill to be entitled an act relating to destitute emigrants to our Territories, which was read and the rule being suspended, the same was read second time forthwith and referred to the committee on Federal Relations, with instructions to report thereon by Monday morning next.

Mr. Lynch, presented the account of J. P. Anderson, which was referred to the committee on Accounts.

Mr. Reid, moved to suspend special order, to take up the bill making a loan to the Alabama and Mississippi Railroad Company.

Mr. McMullen :

To take up the bill making a loan to the Alabama and Florida Railroad Company.

Motion prevailed.

Mr. Chapman, moved to suspend the special order to make a report.

Carried.

Mr. Chapman, from committee on Internal Improvements made the following report :

The committee on Internal Improvements, to whom was referred a bill to amend an act entitled an act, granting the right of way to the Nashville and Chattanooga Railroad Company through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county, passed 21st January, 1850, have had the said bill under consideration, and instruct me to report the same to the House without amendment and recommend its passage.

The said bill was then read third time and passed.

Mr. Brown of Marion, moved to suspend the special order, to take up the bill in regard to assaults and batteries, &c.

The bill to make a loan to the Alabama and Florida Railroad Company, was taken from the orders of the day and read the second time and referred to the committee on Internal Improvements.

The Senate bill to make a loan to the Alabama and Mississippi Railroad Company, was read second time and referred to the committee on Internal Improvements.

The House then resumed the consideration of the special order, it being the joint resolutions providing for a call of a convention, the question being upon the motion of

Mr. Winston, to refer the resolutions to a select committee, composed of one from each Congressional District.

Mr. Menasco, moved to amend by adding two in place of one from each Congressional District.

The amendment was accepted by Mr. Winston, and the joint resolutions so referred.

The House proceeded to the consideration of the next special order, it being the bill to regulate the rate of interest in this State, the question being upon the adoption of the substitute therefor, reported by the Judiciary committee.

Mr. Belser, asked leave to withdraw the substitute, which was granted.

Mr. Belser, then offered the following amendment, viz :

That on all written contracts, as between the sum due when no special premium or rate of interest is expressed, interest

shall be taken and allowed at the rate of 7 per cent. per annum from and after the time it is made due and payable.

Sec. 2. *Be it further enacted*, That the parties to any written contract, may agree to and stipulate for any premium or rate of interest not exceeding twelve and a half per centum on the amount or value of the contract, and the same may be taken, received and allowed.

Sec. 3. *Be it further enacted*, That on all contracts or instruments in writing, which may in any way directly or indirectly violate the provisions of this act by stipulating or allowing or receiving a greater premium or rate of interest than twelve and a half per centum per annum for the loan, payment or delivery of any money bonds, notes of hand or any commodity, shall be void and of no effect for the whole premium or rate of interest, only to but the principle sum of money, value of goods, wares, merchandise, bonds and notes or commodity, may be received and recovered.

Sec. 4. *Be it further enacted*, That all judgments of the several Courts of this State, shall bear interest at the rate of 7 per cent. per annum, from and after the date of said judgments and the same shall be recovered and allowed.

Sec. 5. *Be it further enacted*, That all laws and parts of laws now in force, contravening the provisions of this act, be and the same are hereby repealed.

Which was on motion of

Mr. Menasco, postponed until Friday next the 18th inst., and made the special order for 11 o'clock, A. M., of said day.

The Chair, (Mr. Rice in the Chair,) appointed the following committees under the motion of Mr. Winston.

From sixth Congressional District, Messrs. Winston and Chapman.

From first Congressional District, Messrs. Howard and Beck.

From second Congressional District, Messrs. Cochran and McBride.

From third Congressional District, Messrs. Belser and Towles.

From fourth Congressional District, Messrs. Carpenter and Brown of Tuscaloosa.

From fifth Congressional District, Messrs. Pryor and Smith of Lauderdale.

From seventh Congressional District, Messrs. Graham and Curry.

The House proceeded to the consideration of the next spe-



cial order, it being the message from the Governor on the bill for the relief of John Milford, Census Taker of Perry county and for other purposes.

Mr. Reid, moved to postpone the consideration of the bill until Thursday next, 17th instant.

Which motion was lost.

The question being shall the bill pass and the yeas and nays called.

The bill passed.

Yeas 1, nays 82.

Yeas—Mr. Barry.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Odom, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams and Wood.—82.

Mr. Portis, from committee on enrolled bills reported as follows:

The committee on Enrolled Bills, to which was referred an act, to make a loan to the Alabama and Tennessee Rivers Railroad Company, have examined the same and instruct me to report the same as correctly enrolled.

SAML. G. PORTIS,

Chairman.

Mr. King, moved to suspend special order, to take up the Senate bill from among the Senate messages, to regulate Sheriffs and Coroners sales in the county of Shelby.

Carried.

The bill was then read and constitutional rule being suspended, the same was read second time.

Mr. King, moved to amend by striking out 1st of January, where it occurs in the first section of the bill and insert February.

Which prevailed.

The bill was then read third time under a suspension of the rule and passed.

House then on motion of

Mr. Thornton, adjourned until Monday morning, half past 9 o'clock.

MONDAY, January 14, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

The Journal was read and approved.

Messrs. Langdon and Taylor, representatives from the county of Mobile, appeared within the House, were qualified and took their seats.

Mr. Cochran, moved to suspend the call of the counties, to allow the Judiciary committee to make reports.

Carried.

Mr. Curry, by leave, moved that an additional number be appointed on the committee on Internal Improvements.

Mr. Cochran, from committee on Judiciary, made the following report:

The committee on the Judiciary, to which was referred a bill to be entitled an act, to amend section 2677 of the Code of Alabama.

An act approved February 15th, 1854.

To extend the jurisdiction of the Probate Courts of the several counties in this State,

Have had the same under consideration, and has instructed me to report the same back to this House and recommend its passage.

The amendment was adopted.

The bill as amended, under a suspension of the rule was read third time and passed.

The committee on the Judiciary, to which was referred a bill to prevent the burning of forests, worked for turpentine, has considered the same, and instructs me to report the accompanying amendments and recommend their adoption, and the passage of the bill as amended.

Report concurred in and bill ordered to be engrossed.

The committee on the Judiciary, to which was referred sundry bills in reference to proving accounts, has considered the same, and instructs me to report a substitute for all, and recommend its adoption and passage.

Report concurred in.

The committee on the Judiciary, to which was referred the

petition of Jephtha Jay, instructs me to report adversely thereto.

Report concurred in.

The committee on the Judiciary, to which was referred the petition of J. R. Bumfres, for relief, instructs me to report the same back to the House, and ask its reference to the committee on Propositions and Grievances.

Report concurred in and the bill ordered to be engrossed.

The committee on the Judiciary, to which was referred a bill to authorize the voters of Henry county, to locate the seat of Justice in said county, has considered the same, and instructs me to report the same back to the House without amendment and recommend its passage.

Report concurred in.

On motion of

Mr. Cunningham, rule was suspended and the bill read three times forthwith and passed.

The committee on the Judiciary, to which was referred a bill for the relief of the executors of James Blackman, deceased, has considered the same, and instructs me to report the above amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Said report concurred in and the substitute adopted and the bill ordered to be engrossed.

The committee on the Judiciary, to which was referred a bill to authorize the Commissioners Court of DeKalb county, to re-convey land in a certain case, has considered the same, and instructs me to report a substitute therefor, and recommend its adoption and the passage of the bill as amended.

Said report concurred in and the bill ordered to be engrossed.

The committee on the Judiciary, to which was referred a bill for the relief of William Norton, has considered the same and instructs me to report the same back to the House and recommend its passage.

Report concurred in and amendments adopted and the bill as amended ordered to be engrossed.

Mr. Portis, from committee on enrolled bills, by leave made the following report:

The committee on Enrolled Bills, to which was referred the following bills, have examined the same and instruct me to report the same as correctly enrolled.

An act for the relief of William C. Thomas, of Marshall county.

An act to cause the county Treasurer and county Surveyor of Franklin county, to be elected by the people.

Joint resolutions for printing and distribution of the report of the State Geologist.

An act to incorporate the Tuskegee Insurance Company.

An act to incorporate the East Alabama Insurance Company, at Auburn, in Macon county.

An act to regulate the fees of the Probate Judge of Cherokee county, in issuing marriage license.

An act to divorce Martha C. Cowart from her husband Wiley G. Cowart, and other persons therein named.

An act to fix the pay of Judges of Probate and Sheriffs of Fayette county.

An act to amend an act entitled an act, to incorporate the Tennessee and Coosa Railroad Company.

SAML. G. PORTIS,  
Chairman.

Said report was concurred in.

Call of the counties :

Mr. Bradley, introduced a bill to amend section 1055 of the Code, which was read and ordered to a second reading.

Mr. Ward of Cherokee, presented the petition of Joseph Brock, and fifty-six other citizens of Cherokee and DeKalb counties, praying the passage of an act abolishing a new beat, &c., which was referred to Select committee, composed of the delegates from Cherokee and DeKalb counties.

Mr. Pennington, introduced a bill for purposes therein named, which was read and rule being suspended, the same was read second time and referred to committee on Education.

Mr. Pennington moved to suspend the call of the counties, to allow him time to offer a resolution.

Carried.

Mr. Pennington then offered the following resolution :

*Resolved*, That the Education committee be instructed to enquire what number of townships lying partly in this State and partly in the State of Mississippi, and so divided or intersected by the boundary line between said States, as to bring the Sixteenth Section in said townships in the State of Mississippi, and also to enquire into the situation and extent of the fraction or parts of said townships that lie in this State, the population thereof, and the probable number of children entitled to the benefit of the public schools ; and that the committee enquire further, whether the people of said township whose 16th section lies in said State of Mississippi, are entitled to any and what portion of the 16th section fund,

and that said committee report a bill to this House, providing for the application of a just and equitable portion of said fund to said townships, if the research of the enquiry shows that such investigation ought to be made.

The resolution was adopted.

Mr. Woolsey introduced a bill to be entitled an act to incorporate the Central Agricultural Society at Selma.

Mr. Garleck introduced a bill to be entitled an act to aid and establish a free public school in the town of Girard, in the county of Russell.

Said bills were severally read, and constitutional rule being suspended, they were severally read second time and referred to the committee on Corporations.

Mr. Thornton introduced a bill to be entitled an act to make Mahala Allison, of Franklin county, a free dealer.

Mr. Camp introduced a bill to amend section 2672 of the Code.

Mr. Jones introduced a bill in relation to hunting wild hogs in Marengo county.

Mr. Towles introduced a bill to ensure the proper payment of State witnesses in Chambers county.

Said bills were severally read and ordered to a second reading.

Mr. Haden introduced a bill to extend and enlarge the jurisdiction of the courts of Probate of this State.

Mr. Brown of Marion, introduced a bill to authorize one and the same person to hold the office of Judge of Probate and Circuit Clerk of Marion county.

Mr. Beavers introduced a bill to regulate the distribution of property in certain cases.

Said bills were severally read, and constitutional rule being suspended, the same were read second time and referred to the committee on Judiciary.

Mr. Smith of Mobile, introduced a memorial from the Alabama State Medical Association, in reference to the office of Coroner.

Also, a bill to be entitled an an act to compensate surgeons and physicians in certain cases.

Which was read, and the rule being suspended, the same was read the second time forthwith, and referred to the committee on Ways and Means.

Mr. Rice introduced a bill for the relief of Sarah Ann Clark, of Morgan county.

Mr. Taylor, from the committee on Accounts, to which was referred the account of L. H. Dickerson, reported a bill in re-

lation thereto, to be entitled an act for the relief of L. H. Dickerson.

Said report was concurred in, and the said several bills were read, and constitutional rule being suspended, the same were severally read the second time forthwith and passed.

Mr. King introduced a bill to provide for the reclaiming of the swamp and overflowed lands donated to this State by the United States, which was read, and constitutional rule being suspended, the same was read second time forthwith, and referred to the committee on Agriculture.

Mr. Beavers introduced a bill to regulate the holding of the Circuit Court of the third Judicial Circuit of the State of Alabama, which was read first time, and the rule being suspended, the same was read the second time forthwith, and referred to the special committee composed of the members from the third Judicial Circuit.

Mr. Remson moved to suspend the regular order of business to take from the table the bill to incorporate the Copper Mining Company.

Carried.

And said bill was read second time and referred to the special committee composed of the delegations from the counties of Talladega and Tallapoosa.

Mr. Winston moved to add an additional member to the committee on Banks and Banking, Mr. Langdon in the place of Mr. Withers, resigned.

Carried.

Mr. Taylor of Mobile, under the motion made by Mr. Curry, was added to the committee on Internal Improvements.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Taylor, from the select committee, to which was referred a bill to compensate Edwin F. de Graffenried, of Columbus, for certain services rendered the citizens of this State afflicted with small pox, made the following report :

The select committee, consisting of the physicians of the House, and the members from Russell, to which was referred the bill to compensate Edwin F. de Graffenried, of Columbus, Georgia, for certain services rendered the citizens of Russell, and also the memorial of Dr. Slerting Bass, of Barbour county, for similar services rendered the citizens of Russell and Barbour counties, have had the same under consideration, and the majority instruct me to report adversely to the passage of the bill, and also adversely to the allowance on the petition.

The majority of the committee are of the opinion that ample provisions for such services as are set forth in the bill and petition, is fully made in the Code. Section 958 prescribes the manner in which persons inflicted shall be treated, as also the manner payment shall be made for such services; and from such evidence as the committee was able to procure in relation to these cases, it appears that the terms of the law had been complied with in relation to the first named case, and that the parties interested in the latter case, are fully able to comply with the requisitions of the law, if they have not done so.

The majority of the committee beg leave further to state that the course sought to be pursued by the memorialist, has a tendency to carry the profession of medicine out of the legitimate sphere, and would entail an erroneous and dangerous policy on the State, while we claim that it is but right that those who are recipients of such services should be the source from whence compensation should come, as in the manner prescribed by the Code.

Your committee asks to be discharged from their further consideration.

Mr. Sykes, from the same committee, made a minority report upon the same subject.

Pending the reading of which, the hour of 11 o'clock having arrived, for which there being a special order, it being the joint resolutions upon the present condition of public affairs, and the House proceeded to the consideration of the same.

Mr. Belser moved to take up the resolutions *seriatim*, which motion prevailed.

The first resolution was adopted unanimously.

The second resolution was adopted unanimously.

The third resolution was adopted unanimously.

The fourth resolution was adopted by 60 yeas; nays 26.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of

*Mobile, Towles, Ward of Cherokee, Williams, Winston and Wood—60.*

*Nays—Messrs. Barry, Belser, Byrne, Carpenter, Clanton of Sumter, Cunningham, Echols, Fowler, Gilmore, Jay, Langdon, McBride, McClanahan, Moorer, Nicholson, Odem, Owens, Powell, Pryor, Reid, Rhodes, Thornton, Thorn, White, Wright and Woolsey—26.*

*Mr. Sykes (Mr. Rice in the chair) asked for the division of the question.*

*The Chair decided the question not susceptible of division.*

*The fifth resolution was adopted.*

*Yeas 62 ; nays 26.*

*Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Bishop, Bradley, Brown of Marion, Browder, Camp, Carpenter, Chapman, Clanton of Sumter, Cochran, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jones, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Peddy, Pennington, Portis, Pryor, Pynes, Remson, Rice, Smith of Franklin, Smith of Eauderdale, Smith of Randolph, Taylor of Chambers, Towles, Ward of Cherokee, Williams, Winston, Wright and Wood—62.*

*Nays—Messrs. Belser, Brown of Tuskalooza, Byrne, Crawford, Critcher, Cunningham, Fowler, Hobbs, Jay, Kirkland, Langdon, McClanahan, McConnell, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Sanford, Staton, Sykes, Thornton, Thorn, Ward of Dale, and Woolsey—26.*

*Mr. Thornton moved to postpone the veto message of the Governor, to dispose of the resolutions.*

*Carried.*

*And the sixth resolution was adopted unanimously.*

*Seventh resolution adopted unanimously.*

*Eighth resolution adopted.*

*Yeas 71 ; nays 10.*

*Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Camp, Carpenter, Chapman, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pynes, Remson, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith*



of Randolph, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood—71.

Nays—Messrs. Belser, Cunningham, Echols, Gilmore, Langdon, Odem, Owens, Reid, Rhodes and White—10.

The ninth resolution was adopted.

The House then proceed to the next special order, it being the veto message of the Governor, extending the loan to the Mobile and Ohio Railroad Company.

Mr. Winston moved to postpone the further consideration of the same until Monday next, and that it be made the special order for the hour of 11 o'clock of that day.

Lost.

Yeas 26 ; nays 68.

Yeas—Messrs. Acree, Beavers, Beck, Brown of Marion, Burgess, Ellis of Blount, Garleck, Goode, Lynch, Menasco, Milligan, Moragne, Moorner, Nabors, Peddy, Pennington, Portis, Pynes, Smith of Randolph, Taylor, of Chambers, Towles, Ward of Dale, Williams, Winston and Wood—26.

Nays—Messrs. Speaker, Alford, Barry, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Benton, English, Fowler, Galloway, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Langdon, Little, Lockett, Maples, McBride, McClanahan, McConnell, McMullen, Mirce, Nicholson, Odem, Owens, Powell, Pryor, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White and Wright—68.

The question was then, shall the bill pass notwithstanding the veto of the Governor.

And the same was passed.

Yeas 55 ; nays 37.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Brown, of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Benton, English, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Little, Maples, McClanahan, McMullen, Mirce, Odem, Powell, Pryor, Reid Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of

Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White Williams, Winston, Wright and Woolsey—55.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bishop, Bradley, Burgess, Carpenter, Dawson, Echols, Ellis of Blount, Fowler, Garleck, Goode, Graham, Grubbs, Kirkland, Lar-kins, Langdon, Lockett, Lynch, Menasco, McBride, McCon-nell, Milligan, Nabors, Nicholson, Owens, Peddy, Penning-ton, Portis, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale and Wood—37.

A message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed the bill to renew the loan to the Mo-bile and Ohio Railroad Company, said bill having been vetoed by the Governor.

The Senate has concurred in the resolution of the House, proposing to assemble in the Hall of the House on Tuesday next, at 12 o'clock, M., to elect a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. George Goldthwaite.

The Senate has also passed an act entitled an act to amend an act granting the right of way to the Nashville and Chattanooga Railroad Company.

A message from the Governor, by his Private Secretary, J. D. Catlin, Jr.

January 14, 1856.

Mr. Speaker :

His Excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles :

An act to divorce Nancy J. Sanderson from her husband Alexander J. Sanderson.

An act to divorce Jehu Sullivan from his wife Sarah Sullivan.

J. D. CATLIN, Jr.,

Private Secretary

AFTERNOON SESSION, Jan. 14, 1856.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to more effectually secure subordination among slaves, by requiring their owners or overseers to reside with them.

Mr. Powell moved to amend by way of engrossed ryder as follows :

Provided that this act shall not be so construed as to in-

clude negro children on any such farm, but only such as are employed by the owner, or overseer, or agent.

Mr. Towles moved to lay the engrossed ryder on the table. Carried.

The question then was, shall the bill pass.

And the same was passed.

Yeas 50 ; nays 32.

Yeas—Messrs. Acree, Alford, *Beavers*, *Belser*, *Bishop*, *Bradley*, *Browder*, *Camp*, *Clanton of Sumter*, *Cochran*, *Cunningham*, *Curry*, *Davis*, *Dawson*, *Ellis of Benton*, *Fowler*, *Grubbs*, *Haden*, *Hancock*, *Howard*, *Jay*, *Jones*, *Kirkland*, *Little*, *Lockett*, *McBride*, *McConnell*, *Milligan*, *Moragne*, *Moorer*, *Nabors*, *Nicholson*, *Owens*, *Peddy*, *Portis*, *Pynes*, *Reid*, *Remson*, *Smith of Mobile*, *Sykes*, *Taylor of Chambers*, *Taylor of Coosa*, *Thorn*, *Towles*, *Ward of Cherokee*, *Ward of Dale*, *White*, *Williams*, *Wood and Woolsey*—50.

Nays—Messrs. *Speaker*, *Brown of Marion*, *Brown of Tuskalooza*, *Burgess*, *Byrne*, *Carpenter*, *Critcher*, *Ellis of Blount*, *Galloway*, *Gilmore*, *Goode*, *Jackson*, *King*, *Larkins*, *Lynch*, *Maples*, *McClanahan*, *McMullen*, *Odem*, *Powell*, *Pryor*, *Rice*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Smith of Lauderdale*, *Smith of Randolph*, *Staton*, *Taylor of Mobile*, *Thornton*, *Winston and Wright*—32.

The engrossed bill :

To authorize an increased tax on retailers in the city of Montgomery, was read the third time.

Mr. Menasco moved to lay the bill on the table.

Lost.

Yeas 32 ; nays 50.

Yeas—Messrs. *Acree*, *Alford*, *Bishop*, *Bradley*, *Brown of Marion*, *Browder*, *Burgess*, *Camp*, *Clanton of Sumter*, *Critcher*, *Davis*, *Dawson*, *Grubbs*, *Hancock*, *King*, *Kirkland*, *Little*, *Maples*, *Menasco*, *McMullen*, *Nabors*, *Remson*, *Sanford*, *Smith of Lauderdale*, *Smith of Randolph*, *Staton*, *Taylor of Chambers*, *Taylor of Coosa*, *Towles*, *Williams*, *Winston and Wright*—32.

Nays—Messrs. *Speaker*, *Beavers*, *Belser*, *Brown of Tuskalooza*, *Byrne*, *Carpenter*, *Cochran*, *Crawford*, *Cunningham*, *Curry*, *Ellis of Benton*, *Fowler*, *Galloway*, *Haden*, *Howard*, *Jackson*, *Jay*, *Jones*, *Larkins*, *Lockett*, *Lynch*, *McBride*, *McClanahan*, *McConnell*, *Milligan*, *Miree*, *Moragne*, *Nicholson*, *Odem*, *Owens*, *Peddy*, *Pennington*, *Portis*, *Powell*, *Pryor*, *Pynes*, *Reid*, *Rhodes*, *Rice*, *Sheffield*, *Smith of Franklin*, *Smith of Mobile*, *Sykes*, *Taylor of Mobile*, *Thornton*, *Thorn*, *Ward of Cherokee*, *White*, *Wood and Woolsey*—50.

The question was then, shall the bill pass, and the same was passed.

Yeas 46; nays 35.

Yeas—Messrs. Speaker, Beavers, Belser, Brown of Tuska-loosa, Byrue, Carpenter, Clanton of Montgomery, Crawford, Cunningham, Curry, Ellis of Benton, Fowler, Galloway, Haden, Howard, Jackson, Jay, Larkins, Lockett, Lynch, McConnell, Milligan, Mirce, Moragne, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White, Wood and Woolsey—46.

Nays—Messrs. Acree, Alford, Bishop, Bradley, Brown of M., Browder, Burgess, Camp, Cochran, Davis, Critcher, Dawson, Ellis of Blount, Grubbs, Hancock, King, Kirkland, Little, Maples, Menasco, McBride, McClanahan, McMullen, Nabors, Remson, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Winston and Wright—35.

The engrossed bill:

Entitled an act to regulate Sheriffs' and Coroners' sales in the county of St. Clair, was read the third time and passed.

Bills on their second reading:

The bill exempting the citizens of the town of Columbiana from working on public roads, except within the corporate limits thereof.

An act to repeal an act therein named.

A bill to reduce the compensation of Commissioners of Roads and Revenue in the county of Cherokee.

A bill to be entitled an act to authorize the Commissioners' Court of the county of Walker to levy a tax.

A bill to be entitled an act for the relief of the Central Plank Road Company.

Were severally read 2d time, and under a suspension of the rule, were severally read the 3d time and passed.

The bill to incorporate the Fulton Male and Female Academy, in Dallas county.

A bill to be entitled an act for changing the time of holding the Chancery Court of Wilcox county.

A bill to be entitled an act for the relief of John H. Hurst, of Coosa county.

A bill to be entitled an act to incorporate the village of Perryville, and for other purposes.

A bill to be entitled an act to amend the statute of limitations in this State.

Were severally read the second time and ordered to be engrossed.

A Senate bill in respect to the guardianship of non-resident minors.

A Senate bill to be entitled an act to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties.

And House bills to exempt certain property from levy and sale by execution.

To make Eliza Jane Wood, of the county of Monroe, a free dealer.

To authorize the Governor to issue a patent to certain land therein named.

To make Lurana Duvane, of the county of Wilcox, a free dealer.

To amend section 2013 of the Code.

To make Nancy Pearson, of the county of Tallapoosa, a free dealer.

To authorize Solomon Lee and James A. Pease, liners, to have citizenship and vote in the county of Benton.

To amend section 897 of the Code.

To alter and amend the law in relation to retailers in this State.

To amend section 2304 of the Code of Alabama.

Joint Resolutions, proposing to amend the Constitution, so as to extend the jurisdiction of Justices of the Peace in civil cases—to make assaults, batteries and affrays triable before them exclusively.

Were severally read the second time and referred to the committee on the Judiciary.

A bill to regulate school lands in Township 17 Range 17 in Autauga county.

To increase the fund for the support and maintenance of free public schools in this State.

For the benefit of certain institutions therein named.

The bills were then read the second time.

Mr. Camp moved to amend, *Provided*, the provisions of this act be extended to the Male and Female Academy at Elyton, Alabama

Which was adopted, and the bills were severally read and referred to the committee on Education.

The bill to incorporate the Fulton Academy, in Dallas county, and the bill to incorporate the town of Pleasant Hill, in Dallas county, were severally read the second time and referred to the committee on Corporations.

A bill to make Mary A. T. Prichet a free dealer, was read the second time.

Mr. Bradley moved to amend as follows: *Provided*, The provisions of this act be extended to Elizabeth C. Hill, of the county of Cherokee. The amendment was adopted.

The bill to make Margaret Butler, of the county of Butler, a free dealer, was read the second time and referred to the committee on Divorce and Alimony.

A bill to be entitled an act to better preserve the journals of the General Assembly of the State of Alabama, was read the second time and referred to the committee on Propositions and Grievances.

A bill to improve the navigation of the Alabama river, was read the second time and referred to the committee on Internal Improvements.

A bill to authorize Jesse Thompson and J. J. Jones to establish a ferry across the Tallapoosa river on their own lands, at or near Jordon's old ferry, on a line between Macon and Montgomery counties, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

A Senate bill to be entitled an act to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties.

And House bills to exempt certain property from levy and sale by execution.

To make Eliza Jane Wood, of the county of Monroe, a free dealer.

To authorize the Governor to issue a patent to certain lands therein named.

To make Lurana Duvane, of the county of Wilcox, a free dealer.

To amend section 2013 of the Code.

To make Nancy Pearson, of the county of Tallapoosa, a free dealer.

To authorize Solomon Lee and James A. Pease, liners, to have citizenship and vote in the county of Benton.

To amend section 987 of the Code.

To alter and amend the law in relation to retailers in this State.

To amend section 2304 of the Code of Alabama.

A bill to be entitled an act for the relief of Henry M. Elmore and others, was read the second time and referred to the committee on the State Bank and Branches.

A bill to be entitled an act for the relief of Janett C. Clark, of the county of Clarke, was read the second time.

Mr. Cochran moved to strike out the last two lines of the

bill, and insert, "to be paid out of the special fund provided to pay for negroes executed under the law."

Amendment was adopted, and on motion of Mr. Camp, the constitutional rule was suspended, and the bill read third time and passed.

The Senate bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, was read the second time and ordered to a third reading.

The bill for the relief of David B. Driskill, and others, of Benton county, was read the second time, and under a suspension of the constitutional rule was read the third time and passed.

The bill to legalize the homestead exemption act was read the second time.

Mr. Lockett moved to lay the bill on the table, and the yeas and nays were demanded.

Lost.

Yeas 32, nays 50.

Yeas—Messrs. Speaker, Bradley, Brown of Tuscaloosa, Burgess, Curry, Echols, Graham, Hancock, Jay, Jones, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Moragne, Owens, Peddy, Pynes, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Thorn, Ward of Cherokee, Ward of Dale, Wright and Wood—32.

Nays—Messrs. Alford, Beavers, Belser, Bishop, Brown of Marion, Browder, Camp, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Goode, Grubbs, Haden, Hobbs, Howard, Jackson, King, Larkins, Langdon, Maples, McClanahan, Milligan, Moorner, Nabors, Nicholson, Odem, Pennington, Portis, Powell, Pryor, Reid, Remson, Rice, Sheffield, Staton, Sykes, Taylor of Coosa, Thornton, Towles, White and Williams—50.

Mr. Brown of Marion moved to amend by striking out eighty and inserting one hundred and sixty.

Mr. McMullen moved to lay the amendment on the table.

Mr. Fowler moved to refer the bill to the committee on the Judiciary; which motion prevailed and the bill referred accordingly.

The bill to be entitled an act to amend section 2164 of the Code of Alabama was read the second time.

Mr. Powell moved to amend by striking out twenty when it occurs and inserting fifteen.

The bill was, on motion, referred to the committee on the Judiciary.

The bill for the relief of William Dixson, of Franklin county, was read second time, and under a suspension of the rule, the same was read the 3d time and lost.

Hour of 5 o'clock having arrived, the House stood adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, January 15, 1856.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Camp moved to suspend the call of the counties to offer a resolution.

Carried.

Mr. Camp then offered the following :

*Be it resolved by the Senate and House of Representatives,* That the two Houses adjourn *sine die* on the 11th of February, and after the 1st of February no member shall be allowed to discuss any bill more than five minutes at any one time.

Mr. Rhodes moved to amend as follows :

*Resolved,* That with the concurrence of the Senate, the two Houses adjourn *sine die* on Saturday, the 2d of February, at 2 o'clock, P. M.

Mr. Smith, of Franklin, moved to lay the amendment on the table, and the yeas and nays were called.

Lost.

Yeas 22; nays 55.

Yeas—Messrs. Byrne, Camp, Critcher, Dawson, Galloway, Howard, King, Langdon, Lockett, McMullen, Milligan, Moragne, Odem, Peddy, Powell, Rice, Smith of Franklin, Smith of Lauderdale, Towles, Ward of Cherokee, Ward of Dale, and Wright—22.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Carpenter, Chapman, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Kirkland, Larkins, Little, Lynch, Maples, Menasco, McClanahan, McConnell, Moorner, Nabors, Owens, Pennington, Portis, Pryor, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Taylor Chambers, Taylor of Coosa, Thornton, Thorn and Williams.—55.

Mr. Rice moved to postpone the further consideration of the resolutions until the 2d day of February next. Lost.



Yeas 39 ; nays 48.

Yeas—Messrs. Acree, Barry, Bernhard, Belser, Brown of Marion, Brown of Tuscaloosa, Byrne, Camp, Critcher, Ellis of Blount, Galloway, Gilmore, Goode, Howard, Jay, King, Kirkland, Larkins, Langdon, Little, McBride, McMullen, Milligan, Nicholson, Odem, Peddy, Pennington, Powell, Reid, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Towles, Ward of Cherokee, Ward of Dale, White and Wright—39.

Nays—Messrs. Speaker, Alford, Beavers, Bishop, Bradley, Browder, Burgess, Carpenter, Chapman, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Benton, Fowler, Grubbs, Haden, Hancock, Hobbs, Jackson, Lockett, Lynch, Maples, Menasco, McClanahan, McConnell, Moragne, Moorer, Nabors, Owens, Portis, Pryor, Pynes, Remson, Rhodes, Sanford, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Williams, Winston and Wood—48.

Mr. Camp, by leave, withdrew his resolution, and Mr. Rhodes his amendment.

Mr. Camp then offered the following as a substitute, viz :

*Resolved*, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on Saturday, the 2d day of February, at 2 o'clock, p. m., and that after the 25th inst. no member shall be allowed to speak on any bill, resolution, or proposition more than five minutes.

Mr. Thornton moved to strike out Saturday, 2d day of February, and insert on the 15th day of February, at 2 o'clock, p. m.

Mr. Carpenter moved to lay the amendment on the table.

Mr. Critcher moved to postpone the further consideration of the resolution until the 28th inst., at 11 o'clock, a. m., and the yeas and nays were called.

Lost.

Yeas 40 ; nays 46.

Yeas—Acree, Barry, Brown of Marion, Brown of Tuscaloosa, Byrne, Clanton of Montgomery, Critcher, Ellis of Blount, Galloway, Gilmore Goode, Graham, Howard, Jay, King, Kirkland, Larkins, Langdon, Little, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Nicholson, Odem, Peddy, Pennington, Powell, Reid, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Thornton, Towles, Ward of Dale, and Wright—40.

Nays—Messrs. Speaker, Alford, Beavers, Benhard, Bishop, Bradley, Browder, Burgess, Camp, Carpenter, Chapman,

Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Fowler, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, Lockett, Maples, McClanahan, Moragne, Moorer, Nabors, Owens, Portis, Pryor, Pynes, Remson, Rhodes, Sanford, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thorn, Williams, Winston and Wood—46.

The question then recurred upon the motion of *Mr. Carpenter* to lay the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 71 ; nays 15.

Yeas—*Messrs.* Speaker, Alford, Beavers, Bernhard, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Larkins, Langdon, Little, Lockett, Lynch, Maples, Menasco, McClanahan, McConnell, McMullen, Moragne, Moorer, Nabors, Nicholson, Owens, Peddy, Portis, Pryor, Pynes, Remson, Rhodes, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Williams, Winston and Wood—71.

Nays—*Messrs.* Acree, Barry, Brown of Marion, Goode, Howard, McBride, Milligan, Odem, Powell, Rice, Sheffield, Smith of Franklin, Thornton, Ward of Dale, and Wright—15.

*Mr. Carpenter*, moved the previous question.

Lost.

Yeas 44, nays 44.

Yeas—*Messrs.* Bernhard, Bishop, Bradley, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Dawson, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Jones, Little, Lockett, Maples, McClanahan, Miree, Moragne, Moorer, Owens, Pryor, Pynes, Reid, Remson, Rhodes, Sanford, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Cherokee, White, Williams and Winston.—44.

Nays—*Messrs.* Speaker, Acree, Alford, Barry, Beavers, Belser, Brown of Marion, Brown of Tuscaloosa, Byrne, Critcher, Ellis of Blount, Garleck, Goode, Graham, Howard, Jackson, Jay, King, Kirkland, Larkins, Langdon, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Nabors, Nicholson, Odom, Peddy, Pennington, Portis, Powell, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of

Randolph, Taylor of Chambers, Thornton, Towles, Ward of Dale and Wright.—44.

Mr. Nabors, offered the following amendment :

*Resolved*, That with the concurrence of the Senate, the two Houses will adjourn on the 9th of February next.

Mr. Larkins, offered the following amendment :

Strike out after the word resolve and insert, that this House cannot now determine when it can adjourn.

Mr. Carpenter, moved to lay the amendment on the table, and the yeas and nays called.

Carried.

Yeas 47, nays 37.

Yeas—Messrs. Speaker, Alford, Beavers, Bernhard, Bishop, Bradley, Browder, Burgess, Camp, Carpenter, Chapman, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Jackson, Jay, Jones, Lockett, McClanahan, Miree, Moorer, Nabors, Owens, Peddy, Pryor, Reid, Remson, Rhodes, Sanford, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Williams, Winston and Wood.—47.

Nays—Messrs. Acree, Barry, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Montgomery, Clanton of Sumter, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Goode, Howard, King, Kirkland, Larkins, Langdon, Little, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nicholson, Odom, Pennington, Portis, Powell, Rice, Sheffield, Smith of Franklin, Taylor of Chambers, Towles, Ward of Dale and Wright.—37.

Mr. Rice, moved to postpone the whole subject until the 9th day of February.

The hour of 11 o'clock having arrived, for which there being a special order,

Mr. Carpenter, moved to postpone the special order, to dispose of the resolutions and amendments, and the yeas and nays called on the suspension.

Lost.

Yeas 34, nays 57.

Yeas—Messrs. Speaker, Bernhard, Browder, Burgess, Carpenter, Chapman, Clanton of Sumter, Cunningham, Curry, Davis, Dawson, Fowler, Grubbs, Haden, Hancock, Jones, Lockett, Miree, Moorer, Nabors, Owens, Peddy, Pynes, Reid, Remson, Rhodes, Sanford, Smith of Randolph, Taylor of Coosa, Thorn, White, Williams, Winston and Wood.—34.

Nays—Messrs. Acree, Alford, Barry, Beavers, Belser,

Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Byrne, Camp, Cochran, Critcher, Echols, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Gilmore, Goode, Graham, Hobbs, Howard, Jackson, Jay, King, Kirkland, Larkins, Langdon, Little, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Nicholson, Odom, Pennington, Portis, Powell, Pryor, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Chambers, Thornton, Towles, Ward of Cherokee, Ward of Dale and Wright.—57.

Mr. Rice, introduced the following resolution which lies over under the rule one day.

*Resolved*, That no member be permitted to record his vote if he fails to do so when his name is called, provided he is in his place at the time.

The House proceeded to the consideration of the first special order, it being the bill to build the Central Alabama Railroad.

Mr. Staton, by leave withdrew the original bill and offered a substitute.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed bills from the House of the following titles :

To divorce Jesse Kinsey from his wife Monemia Kinsey, &c.

To incorporate the Chenunuggee Female College in Macon county.

For the relief of certain persons therein named, amended by the Senate.

The Senate has also originated and passed bills, entitled as follows :

To prevent the sale of spirituous liquors within three miles of an Academy in Hanover beat, in the county of Coosa.

Mr. Belser, moved to take an informal recess, preparatory to going into the election of Supreme Court Judge.

Mr. Hobbs, being entitled to the floor and the question being upon the adoption of the substitute offered by Mr. Staton.

House met three minutes to 12 o'clock.

On motion of

Mr. Rice, the Senate was invited into the hall of the House to fill the vacancy occasioned by the resignation of the Hon. George Goldthwaite.

The two Houses in joint convention proceeded to the election of a Supreme Court Judge.

Mr. Abernathy, placed in nomination the name of the Hon. Geo. W. Stone, of Lowndes.

Mr. Rice, placed in nomination the name of R. C. Brickell, of Madison.

Mr. Jackson, placed in nomination the name of David Clifton, of Macon.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Portis, Remson, Towles, Ward of Dale, Williams and Wright.—42.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pennington, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston.—40.

Those who voted for Mr. Clifton, are :

Messrs. Bacon, Bethea, Gunn and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odom, Owens, Pelly, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey.—38.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot a second time.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, Mc-

Bride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Portis, Remson, Towles, Ward of Dale, Williams and Wright.—43.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston.—39.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odom, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey.—41.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a third time.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens ; House—Messrs. Acree, Barry, Beavers, Bishop, Brown of Marion, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright.—44

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson ; House—Messrs. Speaker, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston.—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley,

Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, White, Wood and Woolsey.—41.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a fourth time.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Morange, Moorner, Nabors, Nicholson, Pennington, Portis, Remson, Towles, Ward of Dale, Williams and Wright.—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Taylor and Wilson of Jackson, of the Senate, House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston.—37.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey.—40.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a fifth time.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran,

Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright.—45.

Those who voted for *Mr. Brickell*, are :

*Messrs.* President, Acklin, Jones of Franklin, Lamar, Malone, Prince and Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Powell, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston.—39.

Those who voted for *Mr. Clopton*, are :

*Messrs.* Bacon, Bethea, Cocke, Gunn and Kimbal of the Senate ; House—*Messrs.* Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Jackson, Lockett, Miree, Odem, Owens, Peddy, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, White, Wood and Woolsey.—37.

*Mr. Carpenter*, moved that this convention do now adjourn until to-morrow morning at 12 o'clock, M.

*Motion* was lost.

The convention then proceeded to the sixth ballot.

Those who voted for *Mr. Stone*, are :

*Messrs.* Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—*Messrs.* Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Towles, Ward of Dale, Williams and Wright.—45.

Those who voted for *Mr. Brickell*, are :

*Messrs.* President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston.—39.



Those who voted for Mr. Clopton, are :

*Messrs. Bacon, Bethea, Cocke, Gunn and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Garleck, Gilmore, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White. Wood and Woolsey.—39.*

Mr. Davis, moved that this convention do now adjourn until to-morrow morning 12 o'clock, m.

Yeas and nays called. Lost.

Yeas—*Messrs. Bradford, Brindley, Felder, Jenkins, Jones of Franklin, Lamar and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Acree, Bishop, Bradley, Burgess, Camp, Chapman, Critcher, Davis, Dawson, Galloway, Garleck, Haden, Hancock, Hobbs, Jay, Jones, King, Kirkland, Lynch, Menasco, McConnell, Milligan, Moragne, Nabors, Nicholson, Pennington, Pryor, Reid, Rice, Sheffield, Smith of Franklin, Smith of Randolph, Ward of Cherokee, Winston and Wood.—42.*

Nays—*Messrs. President, Abernathy, Acklin, Ashley, Bacon, Bethea, Cocke, Gunn, Hatcher, Hewlett, Jones of Fayette, Kimbal, Malone, Nelson, Patton, Prince, Searcy, Taylor, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Alford, Barry, Beavers, Bernhard, Belser, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Carpenter, Clanton of Montgomery, Clanton of Sumpter, Cochran, Crawford, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Gilmore, Goode, Graham, Grubbs, Howard, Jackson, Langdon, Little, Lockett, Maples, McBride, McClanahan, McMullen, Miree, Mooror, Odem, Owens, Peddy, Portis, Powell, Pynes, Remson, Rhodes, Sanford, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Dale, White, Williams and Wright.—77.*

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the seventh time.

Those who voted for Mr. Stone, are :

*Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little,*

Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright.—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Cocke, Jones of F., Lamar, Malone, Prince, Taylor, Wilson of J., of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Towles, Ward of Cherokee, Winston.—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Gunn, Hatcher and Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey.—39.

Mr. King, moved that this convention do now adjourn until to-morrow morning at 12 o'clock, M.

Yeas and nays called.

Yeas 49, nays 62.

Lost.

Yeas—Messrs. Bradford, Jones of Franklin, Lamar and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Beavers, Bishop, Bradley, Burgess, Byrne, Chapman, Critcher, Davis, Dawson, Ellis of Benton, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Jay, Jones, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Nabors, Nicholson, Odem, Pennington, Pryor, Reid, Rice, Sheffield, Smith of Franklin, Taylor of Chambers, Taylor of Mobile, Thornton, Towles, Ward of Cherokee, Winston, Wright and Wood.—49.

Nays—Messrs. President, Abernathy, Acklin, Ashley, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Jenkins, Kimbal, Malone, Nelson, Prince, Searcy, Taylor, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Alford, Barry, Bernhard, Belser, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Curry, Echols, Ellis of Blount, English, Fowler, Gilmore, Goode, Graham, Howard, Jackson, McBride, McClanahan, McMullen, Miree, Mo-

ragne, Moorer, Owens, Peddy, Portis, Powell, Pynes, Remson, Rhodes, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Dale and Williams.—62.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the eighth time.

Mr. *Bethea*, placed in nomination the name of W. G. Jones, of Mobile.

Those who voted for Mr. Stone, are :

Messrs. *Abernathy*, *Bradford*, *Felder*, *Hewlett*, *Jenkins*, *Jones of Fayette*, *Nelson*, *Patton*, *Searcy*, *Webb* and *Wilson* of *Pickens*, of the Senate ; House—Messrs. *Aereo*, *Barry*, *Beavers*, *Bishop*, *Camp*, *Cochran*, *Curry*, *English*, *Goode*, *Jones*, *King*, *Kirkland*, *Little*, *Lynch*, *McBride*, *McClanahan*, *McConnell*, *McMullen*, *Milligan*, *Moragne*, *Moorer*, *Nabors*, *Pennington*, *Portis*, *Remson*, *Towles*, *Ward of Dale*, *Williams* and *Wright*.—40.

Those who voted for Mr. *Brickell*, are :

Messrs. *President*, *Acklin*, *Brindley*, *Cocke*, *Jones of Franklin*, *Lamar*, *Malone* and *Wilson* of *Jackson*, of the Senate ; House—Messrs. *Speaker*, *Burgess*, *Byrne*, *Carpenter*, *Chapman*, *Critcher*, *Davis*, *Fowler*, *Galloway*, *Grubbs*, *Haden*, *Hancock*, *Hobbs*, *Larkins*, *Maples*, *Menasco*, *Pryor*, *Rice*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Staton*, *Sykes*, *Thorn-ton*, *Thorn*, *Ward of Cherokee* and *Winston*—35.

Those who voted for Mr. *Clopton*, are :

Messrs. *Bacon*, *Gunn* and *Kimbal*, of the Senate ; House—Messrs. *Alford*, *Bernhard*, *Belser*, *Bradley*, *Brown of Marion*, *Brown of Tuskalooza*, *Browder*, *Clanton of Montgomery*, *Cunningham*, *Dawson*, *Echols*, *Ellis of Blount*, *Ellis of Benton*, *Garleck*, *Graham*, *Jackson*, *Lockett*, *Miree*, *Odem*, *Owens*, *Peddy*, *Pynes*, *Rhodes*, *Smith of Lauderdale*, *Smith of Randolph*, *Taylor of Chambers*, *Taylor of Coosa*, *White* and *Wood*.—32.

Those who voted for Mr. Jones, are :

Messrs. *Ashley*, *Bethea*, *Hatcher*, *Prince* and *Taylor* of the Senate ; House—Messrs. *Clanton of Sumter*, *Crawford*, *Howard*, *Jay*, *Nicholson*, *Powell*, *Reid*, *Smith of Mobile*, *Taylor of Mobile*.—14.

Mr. *Davis*, moved that this convention do now adjourn until to-morrow 12 o'clock.

The yeas and nays called.

Carried.

Yeas 70, nays 50.

Yeas—Messrs. *President*, *Bacon*, *Bradford*, *Brindley*, *Jenkins*, *Jones of Franklin*, *Jones of Fayette*, *Lamar*, *Malone*,

Nelson, Wilson of Jackson and Wilson of Pickens, of the Senate; House—Messrs. Speaker, Barry, Beavers, Bishop, Bradley, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, Menasco, McConnell, McMullen, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Pryor, Pynes, Reid, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Ward of Cherokee, Williams, Winston and Wright.—70.

Nays—Messrs. Abernathy, Acklin, Ashley, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Kimbal, Prince, Searcy, Taylor and Webb, of the Senate; House—Messrs. Acree, Alford, Bernhard, Belser, Brown of Marion, Brown of Tuscaloosa, Browder, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Echols, English, Fowler, Gilmore, Graham, Howard, Lockett, McBride, McClanahan, Milligan, Miree, Odem, Owens, Peddy, Powell, Remson, Rhodes, Sanford, Staton, Sykes, Thorn, Ward of Dale, White and Wood.—50.

The Senate then withdrew and the House adjourned until tomorrow morning half past 9 o'clock.

WEDNESDAY, January 16, 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

On motion the call of the counties was suspended.

Mr. Powell, made the following report:

The Select committee, composed of the delegations from the counties comprising the third Judicial Circuit, to which was referred a bill to be entitled an act to change the times of holding the Circuit Courts of said Circuit, have had the same under consideration, and have instructed me to report the following substitute and recommend its passage.

Mr. Camp, moved to lay the bill on the table.

Lost.

On motion of

Mr. Powell, the constitutional rule was suspended and the bill read three times and passed.

Mr. Clanton of Sumter, moved to suspend the call of the counties, to take up the Senate bill to amend the Charter of the Mississippi, Gainesville and Tuscaloosa Railroad Company.

Carried.

Mr. Wood :

To allow the committee on Internal Improvements to make a report.

Carried.

The Senate bill to amend the Charter of the Mississippi, Gainesville and Tuskaloosa Railroad Company, was read the first time and constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Curry, from committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to whom was referred a bill to incorporate the LaGrange and Oxford Railroad Company, have considered the same; adopted two amendments, and with the amendments, recommend that it be passed.

J. L. M. CURRY,  
Chairman.

Amendments :

SECTION 1. Strike out to connect with the Alabama and Tennessee River Railroad at that place, and insert after Benton county Alabama, or to the town of Talladega, in Talladega county, or to some intermediate point between the two last mentioned places on the Alabama and Tennessee River Railroad.

SECTION 3. Strike out to the town of Oxford, Benton county, Alabama, and insert to some point on the Alabama and Tennessee River Railroad, as designated in the first section of this act.

Mr. Sykes, moved to suspend the call of the counties in order to take up the resolution in regard to the adjournment.

The yeas and nays were demanded.

Motion lost.

Yeas 39, nays 42.

Yeas—Messrs. Speaker, Bernhard, Bishop, Bradley, Burgess, Camp, Chapman, Clanton of Sumter, Crawford, Curry, Davis, Dawson, Echols, Fowler, Goode, Grubbs, Haden, Hancock, Hobbs, Jones, Little, Lockett, Maples, McClanahan, Nabors, Owens, Peddy, Pryor, Remson, Rhodes, Sanford, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thorn, Ward of Cherokee and Winston.—39.

Nays—Messrs. Acree, Alford, Barry, Beavers, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Montgomery, Critcher, Ellis of Blount, Garleck, Gilmore, Howard, Jackson, Jay, King, Kirkland, Langdon, Larkins,

Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Nicholson, Odem, Pennington, Powell, Reid, Bice, Smith of Franklin, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, Wright, Wood and Woolsey.—42.

Mr. Brown of Marion, moved to suspend the call of the counties, to allow the committee on Internal Improvements to report on the Tuscumbia and Columbus and Alabama Mississippi Railroad bills.

Lost.

Mr. Jackson, from committee on Ways and Means, moved to suspend the call of the counties, to allow him to report from said committee.

Carried.

Yeas 75, nays 8.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Odem, Peddy, Pennington, Portis, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thorn, Towles, Ward of Cherokee, Winston, Wright and Woolsey.—75.

Nays—Messrs. Brown of Marion, Byrne, Curry, Gilmore, Graham, Jay, Ward of Dale and Williams.—8.

Mr. Jackson, then made the following report:

The committee of Ways and Means, has instructed me to report the accompanying bill to be entitled an act, making appropriations for fiscal years 1856 and 1857, and recommend its passage.

Also the following, viz:

The committee of Ways and Means, to which was referred a bill to be entitled an act, establishing Annual Sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof, has had the same under consideration, and instructed me, to report it back, amended as therein shown and to recommend its passage.

Said amendment adopted and the bill made the special order for Tuesday next at 11 o'clock for that day.

Call of the counties.

Mr. Jackson, introduced a bill to be entitled an act to incorporate the Jackson Guards.

Mr. Jay :

A bill to be entitled an act to amend an act, to incorporate the Bellville Male and Female Academy and for other purposes, approved 13th February, 1854.

Also, presented petitions in reference to the same subject.

Said bills were severally read and constitutional rule being suspended, the same were severally read the second time and referred together with the petition to the committee on Corporations.

Mr. Cochran :

A bill to be entitled an act for the relief of Wm. Herd, of Barbour county.

Mr. Carpenter :

A bill to be entitled an act, to prevent the failure of Chancery Courts, in consequence of the Chancellor not attending the first or second days.

Mr. Brown of Marion :

A bill to be entitled an act, to regulate the number of Grand Jurors in the county of Marion.

Mr. Langdon :

A bill to be entitled an act, to define the duties of Clerk of the city Court of Mobile.

Said bills were severally read and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed.

Mr. Davis :

A bill to be entitled an act, to aid and incorporate the State Agricultural Society in the State of Alabama, which was read and constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on Agriculture.

Also, a bill to be entitled an act to retake the testimony of witnesses in certain cases.

Mr. Odem, introduced a bill to authorize the Governor to issue a patent to lands therein named.

Mr. Langdon :

A bill to authorize the garnishment of private corporations.

Also, a bill to be entitled an act for the protection of public inn keepers, which were severally read and constitutional rule being suspended, the same were severally read the second time and referred to the committee on Judiciary.

**Mr. Towles :**

A bill to be entitled an act to regulate the license of Pedlers in Chambers county, which was read and ordered to a second reading.

**Mr. Bradley :**

A bill to be entitled an act for the relief of David Covington, of the county of Cherokee, which was read and constitutional rule being suspended, the same was read second and third times forthwith.

Lost.

**Mr. Lynch,** moved to reconsider the vote by which the constitutional rule was suspended.

Which motion prevailed.

**Mr. Lynch,** then moved to refer the bill to the committee on Judiciary.

Which motion prevailed and the bill so referred.

**Mr. Sanford :**

A bill to be entitled an act, for the relief of John Lawrence, of Cherokee county, which was read and constitutional rule being suspended, the same was read second time and referred to the committee on Roads, Bridges and Ferries.

**Mr. Pennington,** presented the petition of Rueben R. Reid, which was referred to the committee on Judiciary.

**Mr. Goode,** introduced a bill to regulate the proceedings of the Court of county Commissioners, of the county of Clarke, which was read and ordered to a second reading.

**Mr. Milligan :**

A bill for the relief of John E. Jones, of Coffee county, which was read and constitutional rule being suspended, was read second time and referred to the committee on Propositions and Grievances.

Also, presented a petition on the same subject, which was referred to the same committee.

**Mr. Graham** introduced a bill for the relief of William Conoway, tax collector of Coosa county, which was read, and rule being suspended, the same was read the second time forthwith, and referred to the committee on Ways and Means.

Also, presented the petition on the same subject, which was referred to the same committee.

**Mr. Chapman** introduced a bill to refund money to the True Blues, which was read, and the rule being suspended, the same was read the second time and referred to the committee on Military.

**Mr. Smith of Randolph :**

A bill to repeal in part, and to amend an act therein named,



which was read, and constitutional rule being suspended, the same was read the second and third time forthwith, and passed.

Mr. Garleck :

A bill to re-organize the Judicial Circuits of this State, which was read, and constitutional rule being suspended, the same was read the second time.

The hour of 11 o'clock having arrived, for which there being a special order.

Mr. Graham moved to suspend the special order to dispose of the bill.

Carried.

Mr. Curry moved that 133 copies be printed for the use of the House.

Carried.

Mr. Garleck moved to postpone the further consideration of the bill until Wednesday next, and that it be made the special order for that day, at 11 o'clock.

And the bill was so ordered.

Mr. Beck moved to suspend the special order to allow the committee on Federal Relations to make a report.

Lost.

Mr. Portis made the following report :

The committee on Enrolled bills, to which was referred the following bill, have examined the same, and instruct me to report the same correctly enrolled :

An act to amend an act entitled an act granting the right of way to the Nashville and Chattanooga Railroad Company.

Mr. Taylor of Chambers, moved to suspend special order to allow him to make a report.

Carried.

The committee on Accounts, to which was referred the engrossed Senate bill, for the relief of Edmond Reeves, Jailor of Jackson county, have had the same under consideration, and the committee instruct me to report the same back to the House, and recommend its passage.

The said bill was read, and the rule being suspended, the same was read the second time and referred to the committee on Judiciary.

Mr. Belser moved to suspend all special orders until to-morrow.

Carried.

Mr. Echols, from the committee on Corporations, made the following report :

The committee on Corporations, to which was referred a bill

to be entitled an act to incorporate the Commerce street Hotel Company, of Montgomery, have had the same under consideration, and instruct me to report it back to the House without amendment, and recommend its passage.

The committee would further report, that with a view of ridding the State of the erroneous and continuous tax upon its treasury, resulting from the confinement of one George Walker, charged with murder, and confined in the jail of Jackson county, and who has been heretofore incapable of a trial on account of insanity, have instructed me to report the following general bill.

Mr. Cochran moved to suspend the rule to give said bills a second and third reading.

Carried.

And the bills were read the second and third times forthwith and passed.

Mr. Cochran from Committee on Judiciary, to whom the following Bills were referred, have considered each one and instructed me to report adversely to each one, viz:

In relation to new trials.

A petition of E. A. Martineare and others of Marengo county, to change the jurisdiction of Justice of the Peace.

The petition of Polly Bryan.

A Bill for the relief of Lewis L. Rolf.

A Bill to make Malinda Ann Mohan a free dealer.

A bill to protect mechanics.

A bill to amend section 661 of the Code.

The resolutions to make 12 circuits.

Said reports were severally concurred in.

Mr. Graham, from the committee on Judiciary, to whom was referred a bill to require the Supreme Court to take jurisdiction of appeals in certain cases, reported adversely thereto.

Mr. Clanton of Sumter, moved to postpone the further consideration of the bill until next Friday, at 11 o'clock.

Carried.

And the bill so ordered.

Mr. Cochran, from the committee on Judiciary, to which was referred the following bills, reported as follows:

The committee on the Judiciary, to which was referred the following bills, has considered each one, and instructs me to report the same back to the House without amendment, and recommend their passage:

50. (Engrossed.) To amend section 778 of the Code.

51. (Read third time and passed.) To amend the criminal law.

52. (Engrossed.) To authorize the dismissal of suits in Chancery in vacation.

53. (Engrossed.) To appoint receivers in vacation.

54. (Engrossed.) To repeal certain acts in Randolph county.

20. (Engrossed.) To repeal section 110 of the Code.

21. (Engrossed.) To enlarge the jurisdiction of Probate Courts.

22. (Engrossed.) To authorize process of garnishment in certain cases.

Said bills ordered to be engrossed.

The bill to amend the criminal law, was read third time and passed, under a suspension of the rule.

The bill to amend section 778 of the Code, was ordered to be engrossed.

The bill to authorize the dismissal of suits in Chancery in vacation, was ordered to be engrossed.

The bill to repeal certain acts regulating Justices' courts in the county of Randolph, was read and ordered to be engrossed.

Mr. Portis, from the committee on enrolled bills, reported as follows :

The committee on enrolled bills, to which was referred the following bills have examined the same, and instruct me to report the same as correctly enrolled.

An act to incorporate the Medical College at Mobile.

An act to change the time of holding the Circuit courts of the counties of Bibb and Autauga.

The bill to repeal section 110 of the Code was read.

Mr. Reid moved to lay the bill on the table, and the yeas and nays demanded.

Pending which, Mr. Davis moved to take an informal recess preparatory to going into the election of Supreme Court Judge.

Carried.

By motion of Mr. Curry, the Senate was invited into the Hall of the House.

And the two Houses in joint convention proceeded to the 9th ballot for Supreme Court Judge.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Bradford, Felder, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner,

Nabors, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—43.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Ellis of Blount, Fowler, Haden, Grubbs, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston.—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimbal, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Reid, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—31.

Those who voted for Mr. Jones, are :

Messrs. Ashley, Bethea, Cocke, Hatcher, Jemison, Prince, Taylor, of the Senate ; House—Messrs. Crawford, Gilmore, Howard, Jay, Langdon, Nicholson, Powell, Smith of Mobile, and Taylor of Mobile—16.

Neither candidates having received a majority of all the votes cast, the convention proceeded to ballot the 10th time.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Carpenter, Chapman, Critcher, Davis, Ellis of Blount, Fowler, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston—33.

Those who voted for Mr. Clopton, are :

*Messrs.* Bacon, Baker, Gunn, Kimbal, of the Senate ; House—*Messrs.* Alford, Bernhard, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Cunningham, Dawson, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Reid, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—30.

Those who voted for *Mr.* Jones, are :

*Messrs.* Ashley, Bethea, Cocke, Jemison, Prince, Taylor, of the Senate ; House—*Messrs.* Byrne, Crawford, Gilmore, Howard, Jay, Langdon, Nicholson, Smith of Mobile, Taylor of Mobile—15.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the eleventh time.

*Mr.* Bethea withdrew the name of *Mr.* W. G. Jones.

*Mr.* Wilson placed in nomination the Hon. James B Clark.

Those who voted for *Mr.* Stone, are :

*Messrs.* Abernathy, Ashley, Bradford, Felder, Hewlett, Jenkins, Nelson, Patton, Searcy, Webb, of the Senate ; House—*Messrs.* Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Howard, Jay, Kirkland, Little, Lynch, McBride, McConnell, McMullen, Milligan, Moragne, Mooror, Nabors, Nicholson, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Ward of Dale, and Wright—38.

Those who voted for *Mr.* Brickell, are :

*Messrs.* President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Burgess, Chapman, Critcher, Davis, Ellis, of Blount, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—30.

Those who voted for *Mr.* Clopton, are :

*Messrs.* Bacon, Baker, Gunn, Jemison, Kimbal, of the Senate ; House—*Messrs.* Alford, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Owens, Peddy, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, White, Wood and Woolsey—30.

Those who voted for *Mr.* Clark, are :

*Messrs.* Bethea, Brindley, Cocke, Hatcher, Jones of Fayette, Prince, Wilson of Pickens, of the Senate ; House—*Messrs.* Brown of Marion, Byrne, Carpenter, Clanton of Sumter,

Fowler, Gilmore, Goode, Jones, King, Langdon, McClanahan, Miree, Powell, Reid, Smith of Mobile, Taylor of Mobile, and Williams—24.

Neither candidate having received a majority of all the votes cast.

Mr. Winston moved that this convention do now adjourn until to-morrow morning, 12 o'clock.

The convention refused to adjourn.

Yeas 48 ; nays 68.

Yeas—Messrs. President, Abernathy, Bradford, Felder, Jones of Franklin, Kimbal, Lamar, Nelson, Wilson of Jackson, Wilson of Pickens, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Chapman, Cochran, Crawford, Curry, Davis, Dawson, Goode, Haden, Hancock, Jones, King, Kirkland, Lynch, Maples, Menasco, Milligan, Nabors Pennington, Pryor, Reid, Remson, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thorn, Towles, Ward of Cherokee, Williams, Winston, Wood and Woolsey—48.

Nays—Messrs. Acklin, Ashley, Bacon, Baker, Betha, Cocke, Gunn, Hatcher, Hewlett, Jenkins, Jones of Fayette, Malone, Patton, Prince, Searcy, Webb, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Garleck, Gilmore, Graham, Grubbs, Hobbs, Howard, Jackson, Jay, Langdon, Larkins, Little, Lockett, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pynes, Rhodes, Sanford, Taylor of Coosa, Thornton, Ward of Dale, and Wright—68.

Convention proceeded to the 12th ballot.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Cochran, Curry, English, Howard, Jay, Kirkland, Little, Lynch, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Nicholson, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale, and Wright—38.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson, of Jackson, of the Senate ; House—Messrs. Spea-

ker; Byrne, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—32.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimbal, Prince, of the Senate ; House—Messrs. Alford, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis, of Benton, Garleck, Graham, Jackson, Lockett, Odem, Owens, Peddy, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Wood and Woolsey—29.

Those who voted for Mr. Clark, are :

Messrs. Bethea, Hatcher, Wilson of Pickens, of the Senate; House—Messrs. Brown of Marion, Carpenter, Fowler, Gilmore, Goode, Jones, King, Langdon, McClanahan, Mirée, Nabors, Powell, Reid, Smith of Mobile, Taylor of Mobile, and Williams—19.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the thirteenth time.

The name of Mr. Clark was withdrawn.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—47.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Burgess, Byrne, Carpenter, Clanton of Sumter, Critcher, Ellis of Blount, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, and Winston—35.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Bethea, Cockea, Gunn, Kimbal, Prince, Taylor, of the Senate ; House—Messrs. Alford, Bern-

hard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Davis, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—40.

Neither candidate having received a majority of all the votes cast, the covention proceeded to the fourteenth ballot.

Mr. Malone moved that this convention do now adjourn until to-morrow, 12 o'clock, m.

And the yeas and nays were called.

The convention refused to adjourn.

Yeas 40 ; nays 80.

Yeas—Messrs. President, Bradford, Jones of Franklin, Lamar, Malone, Nelson, Wilson of Jackson, Wilson of Pickens, of the Senate ; House—Messrs. Speaker, Beck, Bradley, Burgess, Byre, Chapman, Cochran, Crawford, Critcher, Davis, Dawson, Goode, Grubbs, Haden, Hancock, Hobbs, Jones, King, Lynch, Maples, Nabors, Pennington, Pryor, Reid, Remson, Rice, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Towles, Ward of Cherokee—40.

Nays—Messrs. Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Jemison, Jenkins, Jones of Fayette, Kimbal, Patton, Prince, Searcy, Taylor, Webb, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Bernhard, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Garleck, Gilmore, Graham, Howard, Jackson, Kirkland, Langdon, Larkins, Little, Lockett, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorier, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pynes, Rhodes, Sanford, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Williams, Wright, Wood and Woolsey—80.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay. Jones, King, Kirkland, Little, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorier, Nabors, Nicholson, Pennington, Portis, Pynes,



Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright—49.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of M., Burgess, Byrne, Carpenter, Chapman, Clanton of S., Critcher, Davis, Ellis of Blount, Fowler, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, and Winston—35.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Bethea, Cocke, Gunn, Jemison, Kirkland, Prince, Taylor, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Gilmore, Graham, Jackson, Langdon, Lockett, Miree, Odem, Owens, Peddy, Powell, Reid, Rhodes, Smith of Mobile, Taylor of Coosa, White and Wood—37.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the fifteenth time.

Mr. Davis moved that this convention do now adjourn.

And the yeas and nays called.

Lost.

Yeas 46; nays 62.

Yeas—Messrs. President, Baker, Bethea, Bradford, Felder, Jones of Franklin, Lamar, Malone, Nelson, Prince, Searcy, of the Senate ; House—Messrs. Speaker, Belser, Bradley, Browder, Burgess, Chapman, Cochran, Critcher, Curry, Ellis of Blount, Ellis of Benton, Goode, Haden, Hancock, Hobbs, Jay, Jones, King, Little, Lockett, Lynch, Pryor, Reid, Rice, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Cherokee, Winston and Wood—46.

Nays—Messrs. Abernathy, Acklin, Ashley, Bacon, Cocke, Gunn, Hatcher, Hewlett, Jemison, Jenkins, Jones of Fayette, Kimbal, Patton, Taylor, Webb, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Bernhard, Beck, Brown of Tuskaloosa, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Davis, Dawson, Echols, Garleck, Gilmore, Graham, Grubbs, Howard, Jackson, Kirkland, Langdon, Menasco, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Odem,

Owens, Peddy, Portis, Powell, Pynes, Remson, Sanford, Sykes, Taylor, of Coosa, Thornton, Thorn, Ward of Dale, White, Williams and Wright—62.

Mr. Sykes moved to adjourn until half past 7 o'clock,  
P. M.

Lost.

Mr. Winston moved to adjourn until quarter before 12 o'clock, to-morrow.

Motion prevailed.

Senate withdrew, and the House adjourned until 5 o'clock,  
P. M.

#### AFTERNOON SESSION, January 16, 1856.

The House met pursuant to adjournment.

On motion of Mr. Remson, the roll was called, and the following members answered to their names :

Messrs. Speaker, Acree, Bradley, Brown of Tuskaloosa, Browder, Chapman, Clanton of Montgomery, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Goode, Grubbs, Haden; Howard, Jones, King, Kirkland, Larkins, Lockett, Lynch; Maples, Menasco, McClanahan, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Dale, and Wright.

No quorum.

After a short time the Speaker announced a quorum present, and the House proceeded to business.

Mr. McMullen moved to suspend the regular order to make a report from the committee on Internal Improvements.

The motion prevailed.

And Mr. McMullen made the following report :

The committee on Internal Improvements, to whom was referred the bill making a loan to the Mobile and Girard Railroad Company, have had the same under consideration, and instruct me to report the bill back to the House without amendment, and recommend its passage.

On motion, the further consideration of said bill was postponed until Friday next, and made the special order for the hour of 11 o'clock of that day.

Mr. Remson moved to suspend the regular order of business to allow him to make a report.

Carried.

Mr. Remson then made the following report :

The select committee, composed of the delegation from Tal-

ladega and Tallapoosa counties, to whom was referred the bill to incorporate the Alabama Copper Mining Company, request me to report the bill back, and request its passage.

Mr. Sanford moved to suspend further to allow him to make a report.

Carried.

Mr. Sanford then made the following report :

The select committee, consisting of the delegation of the members from the counties of Cherokee and Benton, to which was referred a bill to be entitled an act to amend an act to fix the boundary line between the counties of Cherokee and Benton, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

Bill passed.

Mr. Winston moved to suspend further to make a report.

Carried.

Mr. Winston then reported as follows :

The select committee, to whom were referred the joint resolutions of the General Assembly of the State of Alabama, providing for a call of a convention, have had the same under consideration, and instruct me to report to the House the following amendments thereto, and recommend their adoption, together with the resolutions as amended by the House:

Strike out the numbers 2, 3, 4 and 5, where they occur in the original resolutions before the words "be it further resolved" and insert 5, 6, 7 and 8, and strike out all of the 6th resolution in the original.

The said amendments were adopted, and the further consideration of the resolutions was postponed and made the special order for Saturday, quarter before 11 o'clock.

Mr. Haden moved to suspend special orders to take up the bills :

In regard to the Winchester and Alabama Railroad ;  
The Huntsville Mining and Manufacturing Company ;  
And the bill for the relief of Morrison Kinsey. Lost.

Engrossed bills :

To prevent the burning of forests worked for turpentine.  
Authorizing the Commissioners' Court of DeKalb to reconvey lands in a certain case.

For the relief of William Norton.

To incorporate the village of Perryville, and for other purposes.

To incorporate the Fulton Male and Female Academy, in Dallas county.

To amend the statute of limitation in this State.

To change the time of holding the Chancery Court in Wilcox county.

Were severally read the third time and passed.

The engrossed bill :

For the relief of John H. Hurst of Coosa county, was read third time and lost.

Yeas 37 ; nays 47.

Yeas—Messrs. Acree, Alford, Bishop, Brown of Marion, Brown of Tuscaloosa, Curry, Davis, Garleck, Grubbs, Graham, Howard, Jackson, Kirkland, Little, Lockett, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Nabors, Peddy, Pennington, Portis, Reid, Remson, Rice, Sanford, Sheffield, Smith of Randolph, Sykes, Taylor of Coosa, and Thorn—34.

Nays—Messrs. Speaker, Barry, Beavers, Bernhard, Belser, Bradley, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Gilmore, Goode, Haden, Hancock, Jones, King, Langdon, Larkins, McBride, Moragne, Moorer, Nicholson, Owens, Powell, Rhodes, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Towles, Ward of Cherokee, Ward of Dale, Williams and Wright—47.

The Senate bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, was read the third time and passed.

Bills on their second reading :

The bill to regulate the sale of spirituous liquors in the town of Columbiana, was read the second time and referred to the committee on Propositions and Grievances.

The bill for the relief of Berry Gay, was also read the second time and referred to the same committee.

The bill to supply the office of Probate of Dale county with missing volumes of the Supreme Court Reports of this State was read.

Mr. Owens moved to lay the bill on the table.

Lost.

Mr. Jackson moved to amend as follows :

Strike out all after the enacting clause, and insert, “ upon the certificate of any Probate Judge that he has not received one or more volumes of the Reports of the Supreme Court, that missing numbers shall be supplied by the Secretary of State for the use of the officer.”

Mr. Chapman moved to lay the bill and amendment upon the table.

Carried.

The bills to incorporate the Selma Receiving, Forwarding and Transportation Company;

To aid the Abbeville Academy, in the county of Henry;

Were severally read and referred to the committee on Corporations.

The bill to provide for the payment of Jurors in Choctaw county, was read second time and ordered to be engrossed.

Mr. Rice, moved to suspend the regular order of business, to take up the rule offered by him on yesterday.

The House refused to suspend.

The bill to amend the revenue law in Cherokee county, was read second time and ordered to be engrossed.

The bill to repeal an act therein named and for other purposes, was read second time and referred to the committee on Roads, Bridges and Ferries.

The bill to reduce the tax on Pedlars in Marshall and Blount counties, was read second time and referred to the committee on Ways and Means.

The bills to incorporate the Wetumpka Wharf Company;

To establish a board of Physicians in the town of Newton, in Dale county;

Were severally read second time and the constitutional rule being suspended, the same were severally read the third time and passed.

The bills to incorporate the Florida and Alabama Railway Company, was read second time and referred to the committee on Internal Improvements.

The bills to compensate John R. Robertson and George W. Caricker, of Barbour county;

To compensate Stephen M. Swain, of Mobile county;

To compensate Thomas S. Lock, of Barbour county;

Were severally read second time and ordered to be engrossed.

The bill for the relief of William T. DeWitt, of Barbour county, was read second time and the constitutional rule being suspended, the same was read third time forthwith and passed.

The bill to authorize A. M. Woods, to erect gates across a certain road therein named, was read the second time and referred to the committee on Roads, Bridges and Ferries.

The bills for the benefit of defendants in malicious prosecutions;

To amend section 3283 of the Code of Alabama;  
 For the relief of Martha Scrammille, of Dale county;  
 To amend the attachment law;  
 For the relief of Frederick Perguer;  
 To create a fourth Chancery Division;  
 For the relief of certain persons therein named;  
 To change the name of Elizabeth O. Clutts to that of Elizabeth O. Beggarly;  
 To alter and amend the dower law in this State;  
 In relation to Guardians *ad litem*;  
 To authorize certain persons to practice law in this State.  
 Were severally read and referred to the committee on Judiciary.

The bill to be entitled an act with reference to the issuance of executions in the Circuit Court of Jackson county, was read the second time.

Mr. Maples, moved to amend by striking out "fifteen" and inserting "twenty days."

Said amendment was adopted.

Mr. Wright, moved to amend by adding the county of Butler.

Mr. Brown of Marion, the county of Marion.

Mr. Goode, the county of Clarke.

Said amendments were severally adopted and the bill referred to the committee on Judiciary.

The bill to prevent cock fighting, was read the second time.

Mr. Smith of Lauderdale, moved to lay the bill on the table, and the yeas and nays called.

Lost.

Yeas 41, nays 41.

Yeas—Messrs. Acree, Alford, Barry, Bishop, Byrne, Camp, Chapman, Clanton of Montgomery, Clanton of Sumter, Dawson, Ellis of Blount, Ellis of Benton, Garleck, Goode, Grubbs, Haden, Jones, King, Langdon, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McMullen, Nabors, Peddy, Pryor, Reid, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale and Wright.—41.

Nays—Messrs. Speaker, Beavers, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Carpenter, Cochran, Crawford, Critcher, Cunningham, Curry, Fowler, Hancock, Howard, Jackson, Kirkland, McClanahan, McConnell, Milligan, Miree, Moragne, Nicholson, Odem, Owens, Pennington, Portis, Powell, Rhodes, Rice,

Sanford, Sheffield, Taylor of Chambers, Thornton, Thorn, White, Williams and Woolsey.—41.

Mr. Belser moved to amend as follows :

Or get up a gander pulling between the words “ place and they ” in the sixth line.

Said amendment was adopted.

Mr. Smith of Lauderdale, moved to amend by striking out “ cock ” and inserting “ chicken fighting.”

Mr. Towles, moved the indefinite postponement of the further consideration of the bill, and the yeas and nays demanded.

The Chair decided that the motion to refer had precedence, and the bill was referred to the committee on the Judiciary.

The bill in relation to overseers of public roads in the county of Pike, was read the third time, pending which the hour of 5 o'clock having arrived, the House stood adjourned until to-morrow morning half past 9 o'clock.

THURSDAY, January 17, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

Mr. Curry, moved to dispense with the reading of the Journal.

Carried.

Mr. Sykes, moved to suspend the call of the counties, to allow him to offer a resolution.

Carried.

Yeas 50, nays 28.

Yeas—Messrs. Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Cunningham, Curry, Dawson, Ellis of Blount, Fowler, Goode, Hobbs, Jackson, Jones, Little, Lockett, Maples, McClanahan, McConnell, Milligan, Moorer, Nabors, Owens, Peddy, Portis, Powell, Pryor, Pynes, Reid, Remson, Rice, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Cherokee, Ward of Dale, Williams, Winston and Wood.—50.

Nays—Messrs. Speaker, Alford, Beavers, Cochran, Echols, Ellis of Benton, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, King, Kirkland, Larkins, Menasco, McBride, McMullen, Moragne, Nicholson, Odem, Pennington, Rhodes, Sheffield, Smith of Franklin, Thornton, Towles and Wright.—28.

Mr. Sykes, then offered the following resolution :

*Resolved*, That from and after to-day, the House will meet on Tuesdays, Thursdays and Saturdays, at 3 o'clock, P. M., and adjourn at 5 o'clock.

Mr. Jackson moved to amend as follows :

That from and after Monday, the House will meet daily at 10 o'clock, adjourn at half past 1 o'clock, meet at half past 3 o'clock, P. M., and adjourn at 5 P. M., except on Saturdays, when it shall be adjourned at half past 1 o'clock, P. M.

Mr. Goode moved to lay the resolution and amendment on the table.

Mr. Curry called for a division of the question, and the question first being upon the amendment of Mr. Jackson, and the House refused to lay it upon the table.

Mr. Goode moved to amend as follows: That this House meet every night at 7 o'clock, and adjourn at 9 o'clock, excepting Sundays.

Mr. Sykes moved the previous question. Lost.

Yeas 35 ; nays 50.

Messrs. Bishop, Bradley, Brown of Tuskaloosa, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Benton, Fowler, Galloway, Hobbs, Jones, Larkins, Lockett, Lynch, Maples, McClanahan, McConnell, Moorer, Owens, Pryor, Pynes, Remson, Sanford, Smith of Randolph, Sykes, Taylor of Chambers, Thorn, Ward of Cherokee, and Williams—35.

Nays—Messrs. Speaker, Barry, Beavers, Brown of Marion, Browder, Burgess, Byrne, Chapman, Cochran, Critcher, Ellis of Blount, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, King, Kirkland, Little, Menasco, McBride, McMullen, Milligan, Mirce, Moragne, Nabors, Nicholson, Odem, Pennington, Portis, Powell, Reid, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Coosa, Thornton, Towles, Ward of Dale, Winston, Wright, Wood, and Woolsey—50.

The hour of 10 o'clock having arrived, for which there being a special order, the bill to build the Alabama Central Railroad Company, the House proceeded to the consideration of said special order.

The question being upon the adoption of the substitute reported therefor,

Mr. Menasco moved to amend as follows, viz :

By adding "and one survey to commence on the south side of the Tennessee River, near the mouth of Bear Creek, thence in the direction of Montevallo, and may extend to the city of Montgomery, via Wetumpka ;" to come in after survey.



Mr. Cochran moved to amend as follows :

Strike out all after the star in the first section, and insert the following, viz :

Ascertain by the survey the cheapest and best route for a first class railroad connection between North Alabama and the navigable waters of the Mobile Bay, beginning at some point on the Tennessee River, and report the result to the next session of the Legislature of the General Assembly.

On motion, the House took an informal recess, preparatory to going into the election of Supreme Court Judge.

The joint convention of the two Houses met pursuant to adjournment, and the convention proceeded to the 15th ballot for Supreme Court Judge.

Messrs. Stone, Brickell and Clopton being still in nomination.

Those who voted for *Mr. Stone*, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Hobdy, Jenkins, Jones, of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate; House—Messrs. Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabers, Nicholson, Pennington, Portis, Remson, Smith of Lauderdale, Taylor of Mobile, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for *Mr. Brickell*, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Taylor, Wilson of Jackson, of the Senate; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumpter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—40.

Those who voted for *Mr. Clopton*, are :

Messrs. Bacon, Baker, Bethea, Coker, Gunn, Jenison, Kimbal, Prince, of the Senate : House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—37.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 16th ballot.

Those who voted for *Mr. Stone*, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for *Mr. Brickell*, are :

Messrs. President, Acklin, Cocke, Jones of Franklin, Lamar, Malone, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Nicholson, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—42.

Those who voted for *Mr. Clopton*, are :

Messrs. Bacon, Baker, Bethea, Gunn, Jemison, Kimbal, Prince, of the Senate ; House—Alford, Belser, Brown of Tuskalooza, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Langdon, Lockett, Miree, Odem, Owens, Peddy, Powell, Reid, Rhodes, Smith of Randolph, Taylor, of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—36.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 17th ballot.

Those who voted for *Mr. Stone*, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Pennington, Portis, Remson, Smith of Lauderdale, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright—47.

Those who voted for *Brickell*, are :

Messrs. President, Acklin, Cocke, Jones of Franklin, Lamar, Malone, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne,

Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Nicholson, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—42.

Those who voted Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimbal, Prince, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Oden, Owens, Peddy, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—34.

Mr. Bethea voted for Mr. Jones.

Mr. Powell voted for Mr. E. W. Peck.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot the 18th time.

Mr. Smith of Lauderdale, placed in nomination the Hon. A. B. Moore of Perry.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bethea, Bradford, Felder, Hatcher, Jenkins, Jones of Fayette, Nelson, Patton, Webb of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Bishop, Cochran, Curry, English, Jay, Jones, King, Kirkland, Little, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Portis, Pynes, Remson, Smith of Lauderdale, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright—42.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Cocke, Jones of Franklin, Kimbal, Lamar, Malone, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Smith of Franklin, Staton, Sykes, Thornton, Thorn and Winston—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Hobdy, Jemison, Prince, of the Senate ; House—Messrs. Bernhard, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson,

Lockett, Miree, Nicholson, Odem, Owens, Peddy, Powell, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Coosa, White, Wood and Woolsey—32.

Those who voted for Mr. Moore, are :

Messrs. Brindley, Hewlett, Wilson of Pickens, of the Senate ; House—Messrs. Beck, Belser, Camp, Goode, Grubbs, Howard, Langdon, Lynch, Pennington and Taylor of Mobile—13.

Neither of the candidate having received a majority of all the votes cast, the convention proceeded to the 19th ballot.

Mr. Hewlett of the Senate, placed in nomination the Hon. J. W. Lesseesne of Mobile.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bethea, Bradford, Felder, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Beck, Bishop, Cochran, Curry, Goode, Jay, Jones, King, Kirkland, Little, Lockett, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Portis, Remson, Towles, Ward of Dale, Williams, Wright, Wood and Woolsey—43.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Haden, Hancock, Hobbs, Larkins, Maples, Odem, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn and Winston—36.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Hewlett, Jemison, Kimbal, Prince, Taylor, of the Senate ; House—Messrs. Belser, Brown of Tuskalooza, Browder, Clanton of Montgomery, Cunningham, Dawson, Echols, Ellis of Benton, English, Garleck, Graham, Jackson, Nicholson, Owens, Peddy, Powell, Pynes, Rhodes, Smith of Randolph, Taylor of Coosa and White—28.

Those who voted for Mr. Lesseesne, are :

Messrs. Wilson of Pickens, of the Senate ; House—Messrs. Grubbs, Howard, Langdon, Pennington, Taylor of Mobile—6.

Those who voted for Mr. Moore, are :

Messrs. Cocke, Hatcher, of the Senate ; House—Messrs. Bernhard, Camp, Crawford, Menasco, Miree, Reid, Smith of

Lauderdale, Smith of Mobile, Taylor of Chambers, Ward of Cherokee—12.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 20th ballot.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Asbley, Felder, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Webb, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Cochran, English, Goode, Jay, Jones, King, Kirkland, Little, Lynch, Menasco, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Pennington, Portis, Powell, Pynes, Remson, Taylor of Chambers, Towles, Ward of Dale, Williams, Wright and Wood—42.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—37.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Gunn, of the Senate ; House—Messrs. Alford, Brown of Tuskalooza, Browder, Cunningham, Dawson, Echols, Garleck, Graham, Jackson, Owens, Peddy, Rhodes, Taylor of Coosa, and White—16.

Those who voted for Mr. Lessesne, are :

Mr. Wilson of Pickens, of the Senate ; House—Messrs. Howard and Langdon—3.

Those who voted for Moore, are :

Mr. Cocke, of the Senate ; House—Messrs. Bernhard, Crawford, Ellis of Benton, Mirce, Reid, Smith of Lauderdale, and Smith of Mobile—8.

Those who voted for Mr. Elmore, are :

Messrs. Baker, Bethea, Bradford, Hatcher, Jemison, Kimbal, Patton, Prince, Taylor, of the Senate ; House—Messrs. Belser, Camp, Clanton of Montgomery, Curry, Lockett, McBride, Nicholson, Oden, Smith of Randolph, Taylor of Mobile, and Woolsey—20.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the 21st time.

The names of Messrs. Clopton and Moore being withdrawn, Mr. Prince placed in nomination the Hon. E. W. Peck of Tuskalooza.

Those who voted for Mr. Stone\* are :

Messrs. Abernathy, Ashley, Bacon, Bradford, Felder, Gunn, Hatcher, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Beck, Bishop, Browder, Cochran, Curry, Dawson, Echols, Garleck, Goode, Jackson, Jay, Jones, King, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Peddy, Portis, Pynes, Ramson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams, Wright and Wood—57.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Baker, Cocke, Jones of Franklin, Kimbal, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bernhard, Belser, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Haden, Hancock, Hobbs, Larkins, Maples, Miree, Odem, Owens, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staten, Sykes, Thornton, Thorn, Ward of Cherokee, and Winston—47.

Those who voted for Mr. Lesseesne, are :

Messrs. Grubbs, Howard, Langdon, Nicholson, Pennington, Rhodes, Smith of Mobile, Taylor of Mobile—8.

Those who voted for Mr. Peck, are :

Messrs. Jemison, Prince, Taylor, of the Senate ; House—Messrs. Brown of Tuscaloosa, Camp, Gilmore, McClanahan, Powell and Reid—9.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot the 22d time.

The name of Mr. Peck being withdrawn.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bethea, Bradford, Felder, Gunn, Hatcher, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Beck, Bishop, Browder, Camp, Cochran, Cunningham, Curry, Dawson, Echols, Garleck, Goode, Jackson, Jay, Jones, King, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Peddy, Pennington, Portis, Powell, Pynes, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of

Coosa, Towles, Ward of Dale, Williams, Wright and Wood—61.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Bacon, Baker, Cocke, Jemison, Jones of Franklin, Kimbal, Lamar, Malone, Prince, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tus-kaloosa, Burgess, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Miree, Nicholson, Odem, Owens, Pryor, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, and Winston—59.

Mr. Howard voted for Mr. Lessesne.

Mr. Stone having received a majority of all the votes cast, was declared duly and constitutionally elected Judge of the Supreme Court, for the unexpired term of the Hon. George Goldthwaite, resigned.

The Senate withdrew to their chamber;

And on motion of Mr. Critcher,

The House adjourned until to-morrow morning, half past 9 o'clock.

FRIDAY, January 18, 1856.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Fowler, Garleck, Gilmore, Grubbs, Haden, Hancock, Jay, King, Kirkland, Little, Lockett, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Pennington, Fortis, Powell, Pynes, Reid, Remson, Rice Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Wright and Wood—70.

By motion of Mr. Cochran, the reading of the journal was dispensed with.

Call of the counties.

**Mr. Dawson** introduced a bill to emancipate certain slaves therein named.

**Mr. McClanahan:**

A bill to prevent transfers from Courts of Probate.

Said bills were severally read, and the rule being suspended, the same were severally read the second time forthwith, and referred to the committee on the Judiciary.

**Mr. Shackleford** presented the petition of James Baulwan, late tax collector of Tallapoosa county, which was referred to the committee on Propositions and Grievances.

Also, introduced a bill for the relief of Samuel Cartwright and Joanna Smith of Tallapoosa county.

**Mr. Alford:**

A bill to make Mary E. Jones, of the county of Chambers, a free dealer.

Said bills were severally read and ordered to a 2nd reading.

**Mr. Peddy:**

A bill to incorporate the Hillabee and Goldville Mining Company.

**Mr. Powell:**

A bill to be entitled an act to authorize the administrator of A. A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer credit than one year.

**Mr. Menasco:**

A bill to enable Silas Morphey, of the county of Walker, to erect a dam therein named.

**Mr. Rice:**

A bill to incorporate the Male Academy and Female Seminary in the town of Summerville, in the county of Morgan.

Also, a bill to incorporate the Calhoun Literary Society of Summerville, Morgan county.

Which were severally read, and the rule being suspended, the same were severally read the second and third times forthwith and passed.

**Mr. Taylor** of Chambers, presented a petition from sundry citizens of Chambers county, praying the passage of a law for the protection of stock keepers, which was referred to the committee on Propositions and Grievances.

**Mr. Sanford:**

A bill to repeal section 2464 of the Code of Alabama, so far as relates to Cherokee county, which was read, and the constitutional rule being suspended, was read the second time.

**Mr. Fowler** moved to suspend the special orders to proceed with the call of the counties.



Carried.

Mr. Davis moved to refer said bill to the committee on Judiciary.

Motion prevailed, and the bill referred accordingly.

Mr. Portis, from committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, to which was referred the following bills, have examined the same, and instruct me to report the same as correctly enrolled.

SAM'L G. PORTIS,

Chairman.

An act making an appropriation to pay Edmond Reeves, Jailor of Jackson county, for victualing a prisoner confined in the Jail of said county.

An act to repeal an act incorporating the town of Jacksonville in Benton county.

An act to authorize the qualified voters of the county of Tuskaloosa to elect the Treasurer of said county.

Joint resolutions to authorize a loan of muskets to the Rehobeth Male Academy.

Joint resolutions in regard to the death of the Hon. Henry W. Collier.

An act to amend the charter of the Opelika and Talladega Railroad company.

An act for the relief of John A. Stow and Isaac Stow of Tallapoosa county.

An act to incorporate the Chummenugga Female College of Macon county.

Mr. Bradley presented the petition of James D. Porter, and others, which was referred to the committee on corporations.

Mr. Taylor of Coosa, presented the petition of citizens of Coosa county, on the court house question, which was referred to a special committee composed of the delegation from Coosa.

Mr. Fowler introduced a bill to be entitled an act to incorporate the Southern University at Greensboro', in the county of Greene, and for other purposes, which was read, and the constitutional rule being suspended, the same was read the second and third times and passed, and ordered forthwith to the Senate.

Mr. Camp introduced a bill to be entitled an act to better secure mortgaged personal property, which was read, and the constitutional rule being suspended, the same was read the second time, and referred to the committee on Judiciary..

Mr. Sykes introduced a bill to be entitled an act to prevent slaves from dealing in spirituous liquors, which was read and

the constitutional rule being suspended, the same was read a second time, and referred to the committee on Judiciary.

Mr. Moorer introduced a bill to be entitled an act to alter and amend the military law, which was read, and constitutional rule being suspended, the same was read the second time and referred to the committee on Military.

Mr. Echols introduced a bill to be entitled an act to incorporate the East Alabama Male College at Auburn, which was read, and the constitutional rule being suspended, the same was read the second and third times and passed.

Mr. Rice introduced a bill to be entitled an act to incorporate the town of Summerville, in Morgan county, which was read, and the constitutional rule being suspended, the same was read the second time and referred to the committee on Corporations.

Mr. Reid moved to suspend the call of the counties to report from the committee on Propositions and Grievances.

Mr. Smith moved to suspend the special order, to allow himself and Mr. Jackson to introduce bills, and Mr. Hobbs to make a report from committee on Education, and Mr. Bishop to make a report from committee on County Boundaries.

Said motion prevailed.

Mr. Smith of Mobile, introduced a bill to give a remedy to enforce the laws of landlords.

Also, to amend and explain the charter of the Selma Insurance and Trust Company.

Said bills were severally read and ordered to a second reading.

Mr. Jackson introduced a bill to be entitled an act to authorize the Comptroller of Public Accounts to purchase a fire proof safe, which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Hobbs, from the committee on Education, made the following report :

The committee on Education, to which was referred so much of the Governor's message as refers to the free school system, and various petitions and bills on this subject, has had them all under careful consideration, and instructed me to report the accompanying bill, and recommend its passage.

HOBBS,

Chairman.

Mr. Bishop, from committee on County Boundaries, made the following report :

The committee on County Boundaries, to which was refer-

red the bill to change the name and boundaries of the county of Hancock, and for other purposes, have had the same under consideration, and have instructed me to report the following substitute, and recommend its passage.

BISHOP,  
Chairman.

Mr. Brown of Marion, moved to postpone the further consideration of the bill until Friday next, at 12 o'clock, M.

Mr. Brown of Marion, moved to lay the bill on the table.

Lost.

Mr. Brown of Marion, moved to amend as follows:

Strike out all that relates to Marion county.

Said amendment was laid on the table.

Mr. Thorn, moved to amend as follows:

Strike out "Hancock" where it occurs, and insert "Newburg."

Mr. Smith of Franklin moved to lay said amendment on the table, and the yeas and nays called.

Yeas 67; nays 11.

Yeas—Messrs. Speaker, Alford, Barry, Beavers, Deber, Bishop, Brown of Tuscaloosa, Burgess, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Ellis of L'Etarte, Ellis of Benton, Fowler, Galloway, Garlick, Grubbs, Hebert, Hancock, Howard, Jackson, Jay, Kirkland, Langdon, Larkins, Little, Lockett, Lynch, Maples, Menasco, McMillen, Milligan, Miree, Moragne, Moore, Nabors, Kitchell, Paddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Rensum, Rhodes, Rice, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Toles, Williams, Winston, Wright and Woolsey.—67.

Nays—Messrs. Bradley, Brown of Marion, Gilmore, Goode, King, McClanahan, McConnell, Oden, Sanford, Taylor of Mobile and Thorn.—11.

Mr. Smith of Franklin moved to amend by striking out the 14th section of said bill.

Carried.

Mr. Brown of Marion moved to indefinitely postpone the bill and substitute, and the yeas and nays demanded.

Lost.

Yeas 26; nays 57.

Yeas—Messrs. Barry, Beavers, Bradley, Brown of Marion, Byrne, Clanton of Sumter, Cunningham, Echols, Gilmore, King, Larkins, Lockett, Lynch, Miree, Nabors, Oden, Owens,

Pynes, Reid, Sanford, Taylor of Mobile, Thorn, White, Williams and Wright.—26.

Nays—Messrs. Speaker, Belser, Bishop, Brown of Tuska-loosa, Burgess, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Kirkland, Langdon, Little, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nicholson, Peddy, Pennington, Portis, Powell, Pryor, Remson, Rhodes, Rice, Shackelford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Winston, Wood and Woolsey.—57.

The bill was ordered to be engrossed.

Mr. Towles, moved that Messrs. Cochran, Curry and Pryor be added to the committee on Agriculture.

The motion prevailed.

The said gentlemen were so appointed.

Message from the Senate.

The House then proceeded to the consideration of the special order, it being the substitute offered for the bill "to build the Alabama Central Railroad."

The question being upon the adoption of the amendment offered by Mr. Menasco.

Said amendment was accepted.

Mr. Curry, moved to amend as follows:

After the word "Montgomery" insert "one from Gunter-ville to Gadsden," which was adopted.

Mr. Winston, moved to amend, by adding Vona C. Lamar, of DeKalb county, as one of the Commissioners.

Mr. Woolsey, moved to amend, by striking out the names of the Commissioners and insert the "Commission to consist of three Commissioners, to be elected by the General Assembly of the State of Alabama;" pending the adoption of which the hour of 1 o'clock arrived, and the House stood adjourned until this evening 3 o'clock.

#### AFTERNOON SESSION.

On motion of

Mr. Davis, the roll was called, and the following gentlemen answered to their names:

Messrs. Speaker, Alford, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock,

Jackson, Jay, Jones, Kirkland, Laikins, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Sykes, Taylor of Chambers, Ward of Cherokee, Ward of Dale, Williams. Wright and Woolsey.—58.

Mr. Haden, moved to suspend the business before the House, to take up sundry bills from the Senate.

Carried.

A Senate bill to authorize the Probate Court of Madison county, to take jurisdiction of James T. Nirnore.

Also, Senate bill to incorporate the Female Wesleyan University.

Also, Senate bill to authorize the Secretary of State, to subscribe for ninety-eight copies of the new map of Alabama, about to be published by D. H. Cram.

Also, Senate bill to incorporate the Winchester and Alabama Railroad Company.

Also, Senate bill for the relief of Spencer Moore and Menmia Kinsey.

Were severally read the first time, and constitutional rule suspended, was read second and third times and passed.

A Senate bill to incorporate the Huntsville Mining and Manufacturing Company, was read and the constitutional rule being suspended, was read second and third times forthwith and lost.

Mr. McConnell moved to reconsider the vote by which the House refused to pass the bill.

Carried.

The vote was reconsidered and the bill passed.

The House bill to incorporate the Huntsville Insurance Company, was taken up and the amendment offered by the Senate concurred in.

Engrossed bills :

To authorize the appointment of receivers in Chancery in vacation.

To authorize the dismissal of suits in Chancery in vacation.

To repeal certain acts regulating Justices' Courts in the county of Randolph.

An act to amend section 778 of the Code.

Were severally read the third time and passed.

The House proceeded to consider the bill relative to the duties of overseers of public roads in the county of Pike.

Question being upon the passage of the bill,  
Mr. McBride, moved to lay the bill on the table.

Carried.

Mr. Reid moved to suspend orders, to take up the bill for the relief of certain persons therein named.

Mr. Cochran moved to suspend orders, to allow committees to report.

Carried.

Mr. Cochran, from the Judiciary committee, to which was referred the following bills, reported adversely thereto:

To amend section 2504 of the Code.

To change the name of certain persons therein named.

To amend section 2447 of the Code.

To amend section 3640 of the Code.

In reference to the land warrant of Carter Tanant.

To authorize Justices of the Peace, to take notice of and punish offences committed on the Sabbath.

To enlarge the jurisdiction of Justices of the Peace, so as to allow them to try assaults and batteries and affrays.

To make Mrs. Eliza C. Moore a free dealer.

For purposes therein named.

To amend section 2447 of the Code.

Also, resolution instructing the committee to inquire into the expediency of bringing suit against the party to a bill of exchange.

Were severally concurred in.

Also, adversely to the bill to alter and amend the law in relation to retailers in this State, which, on motion of

Mr. Howard, was postponed until Saturday week 27th, at 11 o'clock.

The House proceeded to consider the bill to repeal section 110 of the Code.

Question being on its passage, the yeas and nays were called.

Yeas 29; nays 58.

Lost.

Yeas—Messrs. Acree, Barry, Browder, Burgess, Camp, Cochran, Critcher, Curry, Davis, Garleck, Goode, Grubbs, Howard, Jackson, King, Langdon, Larkins, Lynch, Maples, McMullen, Milligan, Moorer, Nabors, Portis, Pynes, Remson, Smith of Lauderdale, Taylor of Mobile and Towles.—29.

Nays—Messrs. Speaker, Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Dawson, Echols, Ellis of

Blount, Ellis of Benton, Fowler, Gilmore, Haden, Hancock, Hobbs, Jones, Kirkland, Menasco, McBride, McClanahan, McConnell, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Reid, Rhodes, Rice, Sanford, Shackelford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Wright, Wood and Woolsey.—58.

Mr. Cochran, from the Judiciary committee, reported favorably to the bill to enlarge the jurisdiction of Probate Courts in the settlement of estates of deceased persons,

And an act to authorize process of garnishment in certain cases.

Which were severally ordered to be engrossed.

Also, reported back the petition of sundry citizens of Marengo county, asking the passage of a law extending the charter of the town of McKinley, and asked that it be referred to committee on Corporations.

Also, reported in like manner upon the petition of sundry citizens of the same county, in reference to Shiloh Academy.

Said reports were severally concurred in and petitions referred accordingly.

Mr. Cochran, from committee on Judiciary, to which was referred a bill to authorize Courts of County Commissioners to establish new elective precincts,

Reported the same back to the House and ask that it be referred to committee on Privileges and Elections.

A message from the Senate:

Mr. Speaker:

The Senate has passed a bill, originating in the House of Representatives, to incorporate the Southern University at Greensborough, in the county of Greens, and for other purposes.

A message from the Governor:

Mr. Speaker:

His Excellency, the Governor, has approved a bill which originated in the House of Representatives, of the following title:

An act to amend an act entitled an act, granting the right of way to the Nashville and Chattanooga Railroad Company.

J. D. CATLIN, Jr.,

Private Secretary.

Message from the Senate by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

The Senate has passed bills from the House as follows :

For the relief of certain persons therein named.

For the relief of certain persons therein named.

Also, a bill to authorize the Probate Court of Madison county, to take jurisdiction of the estate of James F. Nimmo, deceased, which originated in the Senate.

The Senate has also rejected bills which originated in the House, entitled as follows :

For the preservation of game in the county of Greene.

To amend section 1065 of the Code.

To make Frances Smith, of the county of Tallapoosa, a free dealer.

To make Martha P. Troutman, of Coffee county, a free dealer.

To make Elizabeth C. Hill, of Cherokee county, a free dealer.

To regulate the fees of the Judge of the Probate Court of Greene county.

To remedy the evils arising from camp hunting.

Empowering the Court of County Commissioners, to fix the pay of Jurors in their respective counties.

For the relief of Samuel Morris, a free person of color.

To make Elizabeth Caroline Bell, wife of James D. Bell, of Tuskaloosa county, a free dealer.

To repeal a certain act therein named.

To make Frances C. Berryman, of the county of Lawrence, a free dealer.

To make Martha Callahan, of Lawrence county, a free dealer.

To declare Mary J. Ousley, a free dealer.

To authorize the Governor to issue a patent to Luvell Gregory.

To authorize Benjamin Borden, to erect Gates across a road therein named, and to repeal a provision of a certain act.

For the filling of vacancies in the office of overseers of public roads in certain cases.

To authorize Justices of the Peace to have certain attachments executed.

A message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles :



An act to regulate the fees of Probate Judge of Cherokee county, in issuing marriage license.

An act to change the time of holding the Circuit Courts of the counties of Bibb and Autauga.

An act to extend the time of holding the Circuit Courts in the county of Morgan, and to change the time of holding the same in the county of Hancock.

An act to divorce *Martha C. Cowart* from her husband *Wiley G. Cowart*, and other persons therein named.

J. D. CATLIN, Jr.,

Private Secretary.

*Mr. Jackson*, moved to suspend the regular order of business, to take up the resolution offered by

*Mr. Sykes*, in regard to holding Evening Sessions.

*Mr. Goode*, moved to lay the same on the table.

The yeas and nays demanded.

Yeas 45; nays 36.

*Mr. Jackson*, moved to suspend the rule to adjourn at 5 o'clock, P. M.

The yeas and nays were demanded.

Pending the calling of which, the hour of 5 o'clock arrived, and the House stood adjourned until half past 9 o'clock.

SATURDAY, January 19, 1856.

House met pursuant to adjournment.

Prayer by the Rev. *Mr. Norton*.

On motion of

*Mr. Carpenter*, the reading of the Journal was dispensed with.

*Mr. Ellis of Blount*, introduced a bill to declare *Julia A. E. Hendrick*, of Blount county, a free dealer.

Which was read and the constitutional rule being suspended, the same was read the second time and referred to the committee on Judiciary.

*Mr. Milligan*, introduced a bill to be entitled an act, to incorporate the *Elba Insurance Company*, of Coffee County, Alabama.

*Mr. Mirce*, introduced a bill to be entitled an act to amend an act, to repeal the patrol law in the counties of *Marshall*, *Cherokee*, *DeKalb* and others.

Said bills were severally read and the constitutional rule being suspended, they were severally read the second and third times forthwith and passed and ordered to be sent forthwith to the Senate.

*Mr. Milligan* :

A bill to be entitled an act, to authorize the Court of County Commissioners of Coffee county, to charter a navigation company.

Which was read and ordered to a second reading.

Mr. Larkins :

A bill to be entitled an act to amend an act therein named.

Which was read and the rule being suspended, the same was read the second time and referred to the committee on Judiciary.

Mr. Sykes, presented a memorial from the Trustees of La-Grange College;

Which was referred to the committee on University.

Mr. Gilmore presented the petition of sundry citizens of Sumter county, praying the passage of a law for the benefit of tax collectors of said county.

Which was referred to the committee on Propositions and Grievances.

Mr. Moerer, from Select committee, to which was referred the bill for the relief of Richard K. Harrison, and others therein named, made the following report:

The Select committee, to whom was referred the bill to be entitled an act, for the relief of Richard K. Harrison and other persons therein named of the county of Autauga, have had the same under consideration, and have instructed me to report the following amendment and recommend its passage as amended, by inserting, "provided that they shall continue to pay State and county tax in Autauga county, on all real estate and personal property lying, being or held in said county."

Said amendment was adopted.

Constitutional rule being suspended, the same was read the second time and on motion, made the special order for 10 o'clock, A. M., on Wednesday the 23d inst.

Mr. Cochran, from the committee on Judiciary, made the following report:

The committee on Judiciary, to which was referred the bill for the protection of builders and mechanics in Dallas county, have considered the same, and instruct me to report adversely thereto.

On motion,

The further consideration of said bill was postponed until Wednesday next, and made the special order for 10 o'clock, A. M.

Mr. Nabors, from the Judiciary committee, reported as follows:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to amend section 3:49, have had the same under consideration, and have instructed me to report the following substitute and recommend its passage.

The substitute was adopted and bill ordered to be engrossed.

Mr. Nabors from the same committee, reported as follows :

The committee on the Judiciary, to whom was referred the bill to prevent the burning of woods in the counties of Henry, Dale and Conecuh, have had the same under consideration and instruct me to report—

That as the bill makes no provisions for an appeal, the same is unconstitutional, and it is therefore inexpedient to pass the bill.

Said report was concurred in.

Mr. Smith, of Mobile, from the committee on Ways and Means, made the following report :

The committee on Ways and Means to whom was referred the bill to compensate surgeons and physicians in certain cases, have considered the same and instruct me to report the following amendment, and recommend its passage : Strike out all after the words “ if without the corporate limits,” in the fifteenth line from the top, and adopt the following : “ To collect cut of the State, if it be solvent, or if a slave, then to collect from the owner of said slave, his agent or attorney, if he be solvent, otherwise to collect from the treasury of the proper county.”

Said amendment was adopted, and the bill as amended was ordered to be engrossed.

Pending which, the hour of 10 o'clock having arrived, for which there being sundry special orders,

Mr. Nabors moved to suspend special orders to allow committees to make reports.

Lost.

Yeas 20 ; nays 58.

Yeas—Messrs. Beavers, Bradley, Browder, Burgess, Ellis, of Benton, Galloway, Grubbs, Hancock, Jones, Lynch, McBride, Milligan, Miree, Nabors, Peddy, Pennington, Reid, Smith, of Randolph, Taylor, of Chambers, and Williams.—20.

Nays—Messrs. Bernhard, Belser, Bishop, Brown, of Madison, Brown, of Tuscaloosa, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford Crutcher, Curry, Davis, Dawson, Echols, Ellis of Blount, English, Fowler, Garleck, Gilmore, Goode, Hobbs, Howard, Jackson, Kirkland, Langdon, Larkins, Little, Maples, Menasco, McClanahan, McCon-

nell, Moragne, Moorner, Nicholson, Odem, Portis, Powell, Pryor, Pynes, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Fr., Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, White, Winston and Wright—58.

On motion of

Mr. Milligan, leave of absence was granted to Messrs. Jay, Alford, and Taylor of Chambers.

The House proceeded to the consideration of the bill to build the Central Rail Road.

The question being upon the adoption of Mr. Woolsey's amendment,

Mr. Jackson moved to amend by striking out all the commissioners, and inserting five commissioners, to be appointed by the Governor.

Moved to lay Mr. Woolsey's amendment on the table.

Mr. Powell gave notice that he would move to reconsider the vote by which the adverse report of the committee on the Judiciary was concurred in on the bill in relation to assaults and batteries.

Upon the motion to lay Mr. Woolsey's amendment on the table, the yeas and nays were called.

Carried.

Yeas 46 ; nays 37.

Yeas—Messrs. Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Garleck, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, Maples, Nabors, Peddy, Powell, Pryor, Pynes, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Williams and Winston.—46.

Nays—Mr. Speaker, Chapman, Clanton of Sumter, Echols, Ellis of Benton, Fowler, Galloway, Goode, Grubbs, Hobbs, Langdon, Little, Menasco, McClanahan, McConnell, Milligan, Miree, Moragne, Moorner, Nicholson, Odem, Pennington, Portis, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Mobile, Ward of Cherokee, Ward of Dale, White and Wright.—37.

Mr. Pryor moved to reconsider the vote laying on the table the amendment of Mr. Woolsey.

And the yeas and nays called.

Yeas 45 ; nays 36.

**Yeas**—Messrs. Speaker, Beavers, Bernhard, Belser, Byrne, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Gilmore, Goode, Grubbs, Hobbs, Langdon, Little, Menasco, McClanahan, Milligan, Miree, Moragne, Nicholson, Odem, Pennington, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Mobile, Thorn, White & Wright.—45.

**Nays**—Messrs. Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Critcher, Curry, Davis, Dawson, Garleck, Haden, Hancock, Howard, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, Maples, McBride, McConnell, Nabors, Peddy, Portis, Pynes, Sanford, Smith of L., Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Ward of Cherokee, Williams and Winston.—36.

The question then was upon the adoption of the amendment offered by Mr. Woolsey.

Carried.

Yeas 48 ; nays 36.

**Yeas**—Messrs. Speaker, Beavers, Bernhard, Belser, Byrne, Camp, Carpenter, Cochran, Crawford, Echols, Ellis of Benton, Fowler, Gilmore, Goode, Grubbs, Hancock, Hobbs, King, Langdon, Larkins, Little, Menasco, McClanahan, McConnell, Milligan, Miree, Moragne, Moorner, Nicholson, Oden, Peddy, Portis, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Sykes, Taylor of Mobile, Thorn, Ward of Dale, White and Wright—48.

**Nays**—Messrs. Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Critcher, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Garleck, Haden, Howard, Jackson, Jones, Kirkland, Lockett, Lynch, Maples, Nabors, Pennington, Pynes, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Ward of Cherokee, Williams and Winston—36.

Mr. Jackson moved to amend by striking out "Montevallo" and "May," and inserting "by the most direct route."

Which amendment was adopted.

Mr. Brown of Tuskaloosa offered the following amendment: "One route beginning at Guntersville, and one route beginning on the Alabama State line opposite Chattanooga—both running to Elyton."

Mr. Brown of Marion moved to recommit the bill with the amendment, to the committee on Internal Improvements.

Mr. Staton moved to lay the motion of Mr. Brown on the table.

Mr. Brown of Marion then moved to lay the bill and amendment on the table;

And the yeas and nays were called.

Lost.

Yeas 36 ; nays 48.

Yeas—Messrs. Beavers, Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Cunningham, Dawson, Garleck, Gilmore, Goode, Grubbs, Jones, Kirkland, Lockett, Lynch, McBride, McConnell, Meragne, Moorer, Peddy, Pennington, Portis, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Cherokee and Wright—36.

Nays—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, Fowler, Haden, Hancock, Hobbs, Howard, Jackson, King, Langdon, Larkins, Little, Maples, Menasco, McClanahan, Milligan, Miree, Nabors, Odem, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Williams and Winston—48.

The question then recurred upon the motion of Mr. Staton to lay the motion of Mr. Brown on the table to recommit the bill, &c., on the table.

The yeas and nays called.

Carried.

Yeas 47 ; nays 27.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Curry, Davis, Echols, Ellis of Blount, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, King, Langdon, Larkins, Little, Maples, Menasco, McClanahan, Milligan, Miree, Nabors, Odem, Portis, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, and Wright—47.

Nays—Messrs. Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Carpenter, Clanton of Sumter, Critcher, Cunningham, Dawson, Garleck, Gilmore, Goode, Jones, Kirkland, Lockett, Lynch, McBride, McConnell, Moragne, Moorer, Peddy, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn and Ward of Cherokee—27.

The question then was upon laying upon the table the amendment offered by Mr. Brown of Tuscaloosa.

Carried.

Mr. Sanford offered the following amendment :

That the money expended heretofore in surveying the Coosa and Tennessee Rivers Railroad, from Selma to Gadsden, be refunded out of the money appropriated for said survey.

Mr. Byrne moved to suspend business before the House, to introduce a resolution.

And the yeas and nays were called.

Yeas 51 ; nays 16.

Yeas—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Benton, Gilmore, Goode, Grubbs, Hancock, Hobbs, Howard, Jones, King, Kirkland, Langdon, Little, Lynch, Maples, McBride, McClanahan, McConnell, Miree, Moragne, Moorner, Nabors, Portis, Pryor, Pynes, Remson, Rhodes, Rice, Sanford, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn and Wright—51.

Nays—Messrs. Bernhard, Burgess, Camp, Dawson, Ellis of Blount, Garleck, Haden, Jackson, Lockett, Menasco, Milligan, Odem, Pelly, Powell, Smith of Franklin and Staton—16.

Mr. Byrne offered the following resolution :

*Resolved*, That when the House adjourn, it adjourn to meet at half past 3 o'clock, p. m.

A message from the Senate by Mr. Paul.

Mr. Speaker :

The Senate has originated and passed bills :

To authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in Franklin county.

And to provide for the burial expenses of the poor.

The Senate has rejected bill which originated in the House:

For the better protection of male minors.

And the House adjourned until half past 3 o'clock, this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Report from committee on Enrolled Bills.

Mr. Portis, from committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, to which was referred the following bills, have examined the same, and instruct me to report the same as correctly enrolled :

SAM'L G. PORTIS,  
Chairman.

An act to revise an act therein named, and for other purposes.

An act to incorporate the Alabama Manufacturing Company, at Selma.

An act to incorporate the Newbern Male Academy in Greene county.

An act to authorize the removal of the administration of the estate of William J. Sanders from Jackson to Madison county.

An act for the relief of certain persons therein named.

An act to amend certain acts therein named.

An act for the relief of the Executors of the last will and testament of James Blackman, deceased.

An act in relation to the Court of County Commissioners in Shelby county.

An act for the relief of certain persons therein named.

An act to authorize the administrator of Warren Herrin to remove the administration from the county of Russell to the county of Macon.

An act to extend the Fall term of the Chancery Court at Wetumpka, to give the county of Shelby an additional term, and to postpone the commencement of the fall terms of the Chancery Courts for Dallas, Perry and Greene counties.

An act to incorporate the Southern University at Greensborough, in the county of Greene, and for other purposes.

A message from the Senate.

Mr. Speaker :

His Excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles :

An act to incorporate the Mobile Steamship Company.

An act to incorporate the East Alabama Insurance Company, at Auburn, in Macon county.

An act to incorporate the Tuskegee Insurance Company.

J. D. CATLIN, JR.,  
Private Secretary.

January 19, 1856.

A message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has passed, by a constitutional majority, a bill



to make a loan to the Memphis and Charleston Railroad Company,

The Executive having returned it to the Senate without his approval.

M. TAUL,  
A'st. Sec'y.

Mr. Byrne moved to postpone the further consideration of the above bill until Monday next, at 12 o'clock. Carried.

And the bill was so ordered.

Bills on their second reading :

The following bills were read the second time and referred to the committee on the Judiciary:

To amend section 1917 of the Code of Alabama.

To regulate the publication of the several Probate Judges of this State.

To authorize Thomas C. Brown to practice law in the several Courts of this State.

To amend and extend the provisions of chapter first, title three, of the Code.

To regulate the interest of money loaned by guardians for their wards.

To allow the Clerk of the Circuit Court of Marshall county, twenty days within which to issue executions, and for other purposes.

To amend the estray laws.

To permit James G. Maul to practice law.

To change the law as to the leins of judgments issued from Justices' Courts.

Providing for Magistrates in the city of Mobile.

To amend section 1008 of the Code, so far as it relates to Butler county.

To regulate the collection of claims when defendants have removed without the limits of the county.

To allow the Probate Judge and County Commissioners in Butler county, to lay the same off into four Commissioners' Districts.

To amend section 3447 of the Code.

To regulate the bringing of suits against owners of steamboats, vessels and other water crafts.

To change the time of holding the elections of Judges of the Circuit and Probate Courts of this State.

To amend an act establishing jury trials in Justices' Courts in the county of Walker.

To regulate the collection of debts before Justices of the Peace in the county of Walker, and for other purposes.

To regulate the duties of Grand Jurors.

To declare *Benjamin DeVan* a citizen of Marengo county.

For the relief of the administrator of *Thomas S. Mays*, deceased, and others.

To authorize *Warner Baily* to remove the estate of his ward, *Louisa Ann Young*, a minor heir of *James A. Young*, deceased, from this State to the State of Arkansas.

To amend section 2424 of the Code of Alabama, so far as relates to Tuskaloosa county.

The following bills were severally read the second time and ordered to be engrossed :

Compelling certain person, now exempt, to work on public roads in DeKalb county.

For the benefit of certain persons therein named.

For the benefit of certain persons therein named.

An Act—

To prevent the sale of spirituous liquors within three miles of *Monroeville*, and within two miles of *Philadelphia*, in *Monroe* county.

An Act—

For the relief of *William Lecroy* of Coosa county.

An Act—

Authorizing the Commissioners' Court of *Pike* county, to appoint one or more assistant surveyors of said county.

To consolidate the offices of Judge of the Probate Court and Clerk of the Circuit Court of *Baldwin* county.

An Act—

For the relief of *John Neblett*.

To authorize the election of an additional Constable, in beat No. six, in *Coffee* county.

To repeal an act therein named.

To incorporate the *Spring Hill Male and Female Academy*, in *Marengo* county.

Authorizing auction sales in *Cherokee* county.

To authorize *Susan Lee* to erect two gates on the *Pickens Ferry* and *Livingston* road.

To change the time of holding the Winter term of the *Chancery Court* of *Cherokee* county.

An Act—

For the relief of *M. B. Breedlove*.

The bill in relation to township 24, range 1, east, lying in *Pickens* county, was read second time and referred to committee on 16th Sections.

The bill—

To authorize *Daniel Roberts* to erect a gate across a public

road therein named, was read the second time and referred to the committee on Roads, Bridges and Ferries.

The bill for the relief of Benjamin F. Tucker, and others therein named, was read the second time.

Mr. Smith of Lauderdale moved to lay the bill on the table.

Lost.

Mr. Milligan moved to refer the bill to the committee on Propositions and Grievances.

Carried.

The bill was referred accordingly.

The bill—

In relation to Justices' Courts, and for other purposes therein named, was read the second time and referred to select committee, composed of the delegates from the counties of Cherokee, DeKalb and Talladega.

The bills—

To amend the charter of the Marine Dock and Mutual Insurance Company ;

To give effect to an ordinance of the town of Carrollton ;

Were severally read the second time and referred to the committee on Corporations.

The bill—

To amend section 183 of the Code, was read the second time and referred to the committee on Privileges and Elections.

The bill—

To declare Major Beavers a liner between the counties of Talladega and Benton, and a citizen of Talladega county, was read the second time and referred to the committee on County Boundaries.

The bill—

To pay Goldsberry Ray a certain sum of money, for provisions and forage furnished the United States troops, during the war with the Creek Indians, in 1837, was read second time and referred to the committee on Accounts.

The bills—

To amend section 1027 of the Code ;

To regulate the sale of patent medicine in this State ;

To make Minerva Moore, of the county of Fayette, a free deafer ;

Were severally read the second time and laid on the table.

Senate bill :

To repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved 17th of Feb-

ruary, 1854, was read the second time and referred to the committee on Banks and Banking.

The bills—

To make Martha T. Keith, of Coffee county, a free dealer ;

To make Jane Wroyer, of the county of Jackson, a free dealer ;

Were severally read the second time and referred to the committee on Divorce and Alimony.

The bill—

To amend the charter of the West Point, Georgia, and Tennessee River Railroad Company, approved 3d of February, 1854, and referred to committee on Internal Improvements.

The bill—

To amend section 425 of the Code, so far as applies to the county of Butler.

An act—

Requiring Tax Assessors to make out tax accounts.

An act—

Authorizing Samuel B. Anthony to peddle in the county of Butler free of any tax or charges ;

To repeal in part a certain section of the Code therein named, so far as relates to Blount county ;

Were severally read and referred to the committee on Ways and Means.

The bill—

To donate muskets to the Pickens Guards, was read second time and referred to the committee on Military.

The bill—

To authorize the Door Keeper of the Senate and House of Representatives, to hire three servants to wait on the Capitol after the present session, was read and referred to the committee on State Capitol.

The House adjourned until Monday morning next, at half 9 o'clock.

MONDAY, January 21, 1856.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

The journal was read and approved.

Mr. Miree moved to reconsider the bill, to regulate the collection of debts before Justices of the Peace, in the county of Walker, and for other purposes.

Which motion prevailed.

Also, to reconsider the vote by which the House referred the bill to amend an act, establishing Jury trials in the county of Walker, to the Judiciary committee.

Motion prevailed.

On motion of

Mr. Towles, leave of absence was granted to Mr. Taylor of Chambers.

Mr. Winston moved to suspend the call of the counties, to allow committees to report and to offer a resolution.

The yeas and nays were called.

Yeas 44 : nays 26.

Yeas—Messrs. Speaker, Bernhard, Bishop, Brown of Marion, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Grubbs, Haden, Hobbs, Howard, Jones, Larkins, Little, Lynch, Maples, Milligan, Moorer, Nabors, Owens, Reid, Remson, Rice, Sheffield, Smith of Mobile, Smith of Randolph, Thornton, Ward of Dale, White, Williams Winston and Woolsey—44.

Nays—Messrs. Beavers, Belser, Bradley, Brown of Tuska-loosa, Critcher, Gilmore, Kirkland, Menasco, McClanahan, McConnell, McMullen, Miree, Moragne, Nicholson, Odem, Peddy, Portis, Powell, Pryor, Pynes, Sanford, Shackelford, Smith of Franklin, Smith of Lauderdale, Staton, Thorn, Ward of Cherokee and Wright—26.

The hour of 10 o'clock having arrived, there being a special order, it being the bill to build the Alabama Central Railroad, and the substitute offered therefor,

Mr. Brown of Marion, moved to suspend the special order, to finish and dispose of reports.

The motion was withdrawn, and the House proceeded to the consideration of said special order.

The question being upon the adoption of the substitute offered by Mr. Sanford,

Mr. Belser moved to lay the said amendment on the table.

The yeas and nays were called.

Carried.

Yeas 41 : nays 28.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuska-loosa, Byrne, Camp, Clanton of Montgomery, Crawford, Cunningham, Curry, Davis, Ellis of Blount, Galloway, Grubbs, Hobbs, Howard, Jackson, Jones, Langdon, Larkins, Little, Maples, Menasco, McClanahan, Miree, Odem, Powell, Pryor, Reid, Remson, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Towles, Winston, Wright, Wood and Woolsey—41.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Critcher, Ellis of Benton, Haden, Kirkland, Lynch, McConnell, McMullen, Milligan, Moragne, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith of Randolph, Thorn, Ward of Cherokee and Williams—28.

Mr. Brown of Tuscaloosa moved to amend by adding "one route from Guntersville to Montevallo, via Elyton."

Adopted.

Mr. Pryor moved to amend by striking out "the," before Commissioners, and inserting "a."

Adopted.

Mr. Critcher moved to amend as follows: "Should it be ascertained that the route from Selma to Guntersville be the best and cheapest, it shall be received."

Mr. Belser moved to lay the amendment on the table, and the yeas and nays were called.

Lost.

Yeas 32 ; nays 36.

Yeas—Messrs. Speaker, Beavers, Bernhard, Belser, Bishop, Browder, Byrne, Camp, Clanton of Montgomery, Cochran, Crawford, Cunningham, Ellis of Blount, Galloway, Grubbs, Hobbs, Howard, Jackson, Jones, Langdon, Little, Lynch, Menasco, Miree, Nabors, Owens, Powell, Pryor, Reid, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Towles and Woolsey—32.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Critcher, Dawson, Ellis of Benton, Fowler, Haden, Hancock, Kirkland, Larkins, Maples, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nicholson, Odem, Peddy, Pennington, Portis, Pynes, Remson, Sanford, Shackelford, Sheffield, Smith of Randolph, Thorne, Ward of Cherokee, Wright and Wood—36.

Mr. Cochran moved to amend as follows: "Strike out all instructions about routes, and insert, 'whose duty it shall be to ascertain by accurate survey, the cheapest and best route for a first-class railroad connection between the Tennessee Valley and the navigable waters of the Mobile Bay, taking into consideration the mineral and agricultural advantages to be developed by the connection.'"

Mr. Critcher then withdrew his amendment.

Mr. Moragne moved to lay the amendment of Mr. Cochran on the table, and the yeas and nays were called.

Lost.

Yeas 19 ; nays 58.

Yeas—Messrs. Beavers, Belser, Bradley, Burgess, Dawson, Kirkland, Menasco, McBride, McConnell, Miree, Moragne, Nicholson, Portis, Powell, Sanford, Shackelford, Smith of Franklin, Thorn and Ward of Cherokee.—19.

Nays—Messrs. Speaker, Bernhard, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Langdon, Larkins, Little, Lynch, Maples, McClanahan, Moorer, Nabors, Odem, Peddy, Pennington, Pryor, Pynes, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Mobile, Thornton, Towles, White, Winston, Wright and Wood—58.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the veto message of the Governor upon the bill to make a loan to the Memphis and Charleston Railroad Company.

The question being, "shall the bill pass, notwithstanding the Governor's veto?" the same was passed by a constitutional majority. Yeas 53; nays 32.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Langdon, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Odem, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—53.

Nays—Messrs. Beavers, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Fowler, Gilmore, Grubbs, Jackson, Jones, Kirkland, Lynch, Menasco, McBride, McConnell, Milligan, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Shackelford, Smith of Randolph, Taylor of Coosa, Towles, Ward of Dale, White and Wood—32.

The House proceeded to the consideration of the veto message of the Governor upon the bill to make a loan to the Alabama and Tennessee Rivers Railroad Company.

The question being, "shall the bill pass, notwithstanding the veto of the Governor?" and the same was passed by a constitutional majority.

Yeas 53 ; nays 32.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Langdon, Larkins, Little, Maples, McClanahan, McMullen, Miree, Moragne, Odem, Powell, Pryor, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—53.

Nays—Messrs. Beavers, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Fowler, Gilmore, Grubbs, Jackson, Jones, Kirkland, Lynch, Menasco, McBride, McConnell, Milligan, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Shackelford, Smith of Randolph, Taylor of Coosa, Towles, Ward of Dale and Wood—32.

Mr. Woolsey moved to suspend the regular order of business, to allow him to make a report.

Mr. Winston moved to amend to allow the Internal Improvement Committee to report, on which the yeas and nays were called.

Carried.

Yeas 46 ; nays 30.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Burgess, Byrne, Camp, Chapman, Clanton of Sumter, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Langdon, Larkins, Maples, McClanahan, McMullen, Miree, Moorer, Portis, Pryor, Reid, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Thorn, White, Winston, Wright and Woolsey—46.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Cochran, Critcher, Cunningham, Dawson, Fowler, Grubbs, Jackson, Jones, Kirkland, Little, Menasco, McConnell, Milligan, Moragne, Nabors, Odem, Peddy, Pynes, Sanford, Shackelford, Taylor of Coosa, Taylor of Mobile, Ward of Cherokee and Ward of Dale—30.

Mr. Woolsey, from committee on Internal Improvements, made the following report :

The committee on Internal Improvement, to which was referred the Senate bill making a loan to the Alabama and Mississippi Rivers Railroad Company, have considered the same



and instructed me to recommend the passage of the bill without amendment.

B. M. WOOLSEY.

Said bill was read, and on motion was postponed until to-morrow and made the special order for the hour of 10 o'clock, A. M. of that day.

Mr. Curry, from the same committee, made the following report :

The committee on Internal Improvements, to whom was referred a bill to be entitled "an act authorizing a loan to the Wills Valley Railroad Company," have had the same under consideration, amended it as herein shown, and with the amendments recommend the passage of the bill.

J. L. M. CURRY,  
Chairman.

Said report was concurred in, and the further consideration of the bill was postponed until to-morrow and made the special order for the hour of 12 o'clock of that day.

A message from the Senate by Mr. Taul, Assistant Secretary :

Mr. Speaker :

The Senate has passed a bill which originated in the House, to authorize Charles Dean to erect gates across a certain road therein named ; also a bill to make a loan to the Alabama and Tennessee Rivers Railroad Company, which bill was returned to the Senate by the Governor, without his approval.

M. TAUL,  
Assistant Secretary.

The hour of 1 o'clock having arrived, the House stood adjourned until three o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Staton moved a call of the roll.

Lost.

Mr. Sanford, from Select committee, reported as follows :

The Select committee, consisting of the delegation from the counties of Cherokee, DeKalb and Talladega, to which was referred a bill to be entitled an act to repeal in part an act entitled an act relative to Justices' Courts and for other purposes, in certain counties therein named, have had the same under consideration and instruct me to report the same back to the House without amendment and recommend its passage.

H. C. SANFORD,  
Chairman.

### Engrossed Bills :

To authorize process of garnishment in certain cases.

To enlarge the jurisdiction of the Probate Courts of this State in the settlement of deceased persons' estates, were severally read three times and passed.

The following bills were severally read the second time and referred to the committee on Judiciary, viz :

A bill to be entitled an act for the relief of Edward Williams.

A bill to be entitled an act to prevent betting at ten-pins.

An act for the relief of Samuel Cartwright and Joanna Smith of Tallapoosa county.

To authorize the Court of County Commissioners of Coffee county to charter a navigation company.

To amend section 2672 of the Code.

To amend section 1065 of the Code.

To make Mahala Allison, of Franklin county, a free dealer.

To make Mary E. Jones, of Chambers county, a free dealer.

To give a remedy and enforce the license of landlords.

To amend and explain the charter of the Selma Insurance Trust Company.

Mr. Chapman moved to postpone the business before the House, to allow the committee on Banks and Banking to report.

Carried.

Mr. Rice, from committee on Banks and Banking, made the following report :

The committee on Banks and Banking, to which was referred a bill to be entitled an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17th, 1854, have had the same under consideration and have instructed me to report the same back to the House, with the following amendment, to wit : Strike out the word "repealed" where it occurs in the seventh line of said bill, and insert the word "extended," and so amended recommend its passage.

The amendment was adopted.

Mr. Nabors moved to lay the bill on the table, and the yeas and nays called.

Lost.

Yeas 33 ; nays 39.

The House refused to lay the bill on the table, and the bill was ordered to a third reading.

Mr. Portis made the following report :

The Committee on Enrolled Bills, to which was referred the

following bills, have examined the same, and instruct me to report the same as correctly enrolled :

SAMUEL G. PORTIS,  
Chairman.

An act to incorporate the Gainesville Insurance Company ;

An act to divorce Jesse Kinsey from his wife, Monemia Kinsey, and other persons therein named ;

The bill in relation to hunting wild hogs in Marengo county, was read a second time.

Mr. Brown of Marion moved to amend by adding the counties of Marion, Wilcox, Fayette, Talladega, Perry, Pike, Randolph, Blount, St. Clair, Limestone, Cherokee and Coosa.

Said amendment was adopted, and the bill as amended was ordered to be engrossed.

The Joint Memorial of the General Assembly of the State of Alabama to the President of the United States was read and referred to the committee on Federal Relations.

The bills :

To regulate the proceedings of the Commissioners' Court of the county of Clarke—And

To secure the proper payment of State witnesses in the county of Chambers, were severally read the second time and ordered to be engrossed.

The bill—To regulate the license of pedlars in Chambers county, was read a second time and referred to the committee on Ways and Means.

The following House bills were amended by the Senate and the amendments concurred in by the House :

An act to authorize the completion of the final records of the Circuit Court of Madison county.

To change the law in relation to Surveyors and Coroners in Dale county.

To regulate the summoning of Jurors in the counties of DeKalb and Covington.

An act to change section 985 of the Code.

An act for the relief of certain persons therein named.

For the relief of Elisha J. Green, of Tallapoosa county.

Messages from the Senate :

The following Senate bills were severally read the first time and ordered to a second reading :

To allow the Circuit Clerks of Henry and Dale longer time within which to issue executions.

To alter and amend the charter of the town of Eufaula.

To increase the tax on peddling in the county of Pike.

To repeal all laws and parts of laws incorporating the town of Russelville, in the county of Franklin.

To repeal section 4 of an act to amend an act entitled an act to incorporate the Coosa and Chattanooga Railroad Company.

For the relief of James T. Petty, of Fayette county.

To amend the estray laws.

To amend the charter of the town of Marion, in Perry county.

To prevent the sale of spirituous liquors within one mile and a half of a lot and building known as "Barnes' Store House," at Pleasant Ridge, in the county of Greene.

To authorize the Executor of William Salter, deceased, to remove the administration of said estate from the county of Monroe to the county of Conecuh.

For the relief of John W. Brown, of Macon county.

To repeal section 6 of an act to lay off Cherokee and Lauderdale counties into four Commissioners' Districts, and for other purposes therein named.

To compel executors, administrators and guardians who have removed out of the State, to make final settlement of their accounts.

To authorize the conferring of diplomas at the Southern Military Academy, in Chambers county.

To authorize the holding of additional terms of the Chancery Court in Cherokee, Benton and Talladega counties, approved February 17th, 1854.

To incorporate the Marion Insurance and Trust Company.

To compensate Jurors trying the right of property before Justices of the Peace.

An act to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale.

To incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama.

To amend section 8 of an act to incorporate the Dragoon and Montgomery Riflemen, approved 18th day of February, 1854, and to pay the Montgomery Riflemen for tents, accoutrements and camp equipages, as provided in said section.

To amend section 1953 of the Code of Alabama.

To compensate Jurors and Constables in Justices' Courts.

To amend 17th paragraph of section 397 of the Code.

To establish a Medical Board in the county of Chambers.

To increase the salary of the State Treasurer.

For the relief of Jane Cothran of the county of Perry.

To amend the charter of the Montgomery and West Point Railroad Company.

To authorize the Court of County Commissioners of Madison and Jackson counties to pay certain persons for certain services therein mentioned.

To amend an act entitled an act to amend the road laws in the county of Pickens and other counties.

Making appropriations for the Alabama Insane Hospital.

To amend an act entitled an act requiring the Governor to cause patents to issue to certain lands therein named to Mary Stephens and others, approved 10th of February, 1852.

For the relief of A. Moore, Tax Collector of Lowndes county.

To improve the Supreme Court Library.

To change the mode of electing a County Treasurer for the county of Monroe.

To compel witnesses to testify in foreign suits.

To establish a Board of Botanic Physicians in the State of Alabama.

To pay certain claims against the State.

To incorporate the Macon County Railroad Company.

To amend the charter of the Huntsville Female Seminary, granted by the Probate Court of Madison county.

To amend an act approved 9th of February, 1854, authorizing Courts of County Commissioners to establish, abolish and change the place of voting in election precincts.

To incorporate the Alabama Fire Engine Company, No. 2.

To amend section 1537 of the Code.

To prevent the destruction of fish.

To incorporate the Mechanics' Mutual Insurance Company of Montgomery.

To prevent the sale of spirituous liquors within three miles of Academies in Hanover beat, in Coosa county.

Authorizing Commissioners of Revenue of Mobile county, to erect poor houses.

To repeal sections 3289 and 3290 of the Code.

To prevent the retail of spirituous liquors within  $1\frac{1}{2}$  miles of Jacksonville Academy in the county of Mobile; and to prevent the sale of vinous or spirituous liquors within two miles of a school edifice known as the Marshall Institute, in the county of Marshall.

To amend section 3289 of the Code.

To provide for the election of County Commissioners in the county of Henry.

To incorporate the Camp Hill Academy in Tallapoosa county.

For the relief of Austin Masserve, Jailor of Blount county.

To authorize the Court of County Commissioners of Washington county, to issue bonds to raise money with which to build a jail.

To authorize overseers of Hamburg and Union Town public road, in Perry county, to use timber for said road under certain circumstances.

For the relief of James Forshee of Conecuh county.

To authorize the Superintendent of Free Public Schools, to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in Franklin county.

To provide for the burial expenses of the poor.

The Senate bill—To change the time of holding the Circuit Courts of Autauga—was read the second time, and, on motion of Mr. Miree, laid on the table.

The Senate bill—To prevent the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church at Athens, Alabama, was read, and on motion of Mr. Pryor, the constitutional rule was suspended, the bill read the second and third times and forthwith passed.

The Senate bill—To incorporate the Mobile and Great Northern Railroad Company, was read the first time, the rule suspended, the bill was read the second time and referred to the committee on Internal Improvements.

Mr. Pennington introduced a bill to legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes.

Mr. Cochran introduced a bill to remove the administration of R. L. Scott, late of Texas, deceased, from the county of Autauga to the county of Montgomery.

The above bills were severally read, and under a suspension of the rule, were read the second and third times, and forthwith passed.

Mr. Carpenter introduced a bill to authorize James L. Murphey, of the county of Greene, to peddle books in this State without license, which was read and the constitutional rule being suspended, was read the second and third times and the yeas and nays called.

Yeas 48 ; nays 19.

Yeas—Messrs. Speaker, Bishop, Bradley, Brown of Marion, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Ellis of Blount, Ellis of Benton, Fowler, Gilmore, Grubbs, Hobbs, Howard, Jones, Kirkland, Langdon, Little, McConnell, McMullen, Milligan, Miree, Moorner, Nicholson, Odem, Owens, Peddy,

Pennington, Portis, Powell, Pynes, Reid, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale.—48.

Nays—Messrs. Beavers, Browder, Cochran, Dawson, Garleck, Haden, Hancock, Jackson, Larkins, Maples, Menasco, McBride, Moragne, Nabors, Rice, Smith of Randolph, Sykes, Taylor of Coosa and Wright.—19.

Mr. Powell, presented the petition of sundry citizens, living in the vicinity of Buckville, praying the passage of an anti-liquor law, which was referred to the committee on Propositions and Grievances.

Mr. Thornton :

A bill to admit certain evidence in certain cases.

Mr. Belser :

A bill to authorize the Montgomery Mills Company to borrow money and for other purposes :

Which were severally read and ordered to a second reading.

Mr. Howard, presented the petition concerning the fees of Justices of the Peace in the county of Mobile, which was referred to the committee on Judiciary.

The hour of 5 o'clock having arrived, the House stood adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, January 22, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

On motion of

Mr. Smith of Franklin, the reading of the Journal was dispensed with.

Mr. Smith of Franklin, moved to suspend the call of the counties, to take up the bill, to change the name and boundaries of Hancock county, and for other purposes.

Mr. Smith of Franklin, moved to amend by engrossed rider, which was read first, second and third times and the yeas and nays called.

Carried.

Yeas 60 ; nays 11.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Bishop, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hancock, Jackson, Kirkland, Langdon, Larkins, Little, Maples, Menasco,

McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pryor, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Williams, Winston and Woolsey.—60.

Nays—Messrs. Bradley, Brown of Marion, Cunningham, Odem, Owens, Pynes, Sanford, Thornton, Thorn, Towles and Wright.—11.

The hour of 10 o'clock having arrived, the House proceeded to the consideration of the special order, it being the bill to build the Central Railroad.

The question being upon the adoption of the amendment offered by Mr. Cocran,

The yeas and nays were called.

Yeas 71; nays 11.

Adopted.

Yeas—Messrs. Speaker, Beavers, Bernhard, Belser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Kirkland, Larkins, Langdon, Little, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thornton, Towles, Ward of Dale, White, Williams, Winston, Wright, Wood and Woolsey.—71.

Nays—Messrs. Acree, Bradley, Brown of Marion, Burgess, Dawson, Ellis of Benton, Menasco, Moragne, Portis, Smith of Randolph and Thorn.—11.

Mr. Sanford offered the following amendment:

*Provided*, That after such surveys shall have been made and the road located, the Company accepting such survey and location, shall within ten years refund to the State, the said twenty-five thousand dollars, or so much of said sum as may be expended in making the surveys provided for by the provisions of this act.

Mr. Camp moved to lay said amendment on the table, and the yeas and nays demanded.

Yeas 46; nays 29.

Carried.

Yeas—Messrs. Speaker, Acree, Bernhard, Belser, Bishop,



Brown of Tuskaloosa, Browder, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Fowler, Galloway, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Langdon, Larkins, Little, Maples, Menasco, McBride, McClanahan, Milligan, Miree, Nicholson, Odem, Powell, Pryor, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Coosa and Woolsey.—46.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Burgess, Carpenter, Cunningham, Dawson, Ellis of Benton, Garleck, Gilmore, Grubbs, Kirkland, McConnell, McMullen, Moragne, Mocrer, Nabors, Peddy, Portis, Sanford, Smith of Randolph, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood —29.

The question was then upon the adoption of the substitute as amended.

The same was adopted.

Yeas 49 ; nays 31.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, Fowler, Galloway, Haden, Hancock, Hobbs, Howard, Jackson, Larkins, Langdon, Little, Maples, McBride, McClanahan, McMullen, Miree, Nicholson, Odem, Powell, Pryor, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Thornton, Winston and Woolsey.—49.

Nays—Messrs. Acree, Beavers, Bradley, Burgess, Clanton of Sumter, Cunningham, Dawson, Ellis of Benton, Garleck, Gilmore, Grubbs, Jones, Kirkland, Lynch, Menasco, McConnell, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Sanford, Smith of Randolph, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Williams and Wright.—31.

The bill was ordered to be engrossed.

Mr. Curry, from Joint committee, to whom was referred the report of John Whiting, Commissioner and Trustee, to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt, have had the same under consideration, and instruct me to report as follows :

#### REPORT:

The Joint committee, to whom was referred the report of John Whiting, " Commissioner and Trustee, to settle the affairs of the State Bank and Branches, and to provide for the

payment of the public debt," have had the same under consideration, and instructed me to report :

That to have convenient access to the books, papers, accounts, reports and vouchers, relating to business confided to the Commissioner, the committee held their meetings at the Branch of the Bank of the State, in this city.

They first examined the cash account of the Commissioner, from the time he entered on the duties of his office, to the 1st November, 1855, which account shows all receipts and disbursements during that period. They find correctly stated the balance received from his predecessor, F. S. Lyon, which as shown by report to last General Assembly, was

\$55,868 40

From 1st November, 1853 to 1st November, 1855,

his receipts from all sources, as shown and explained in his account, has been

\$867,550 38

Making altogether,

\$923,418 78

The expenditures in payment of interest, redemption of State Bonds and otherwise, as shown in the account, is

\$751,735 38

Leaving an unexpended balance on 1st November, 1855, in his hands of

\$171,683 40

Each item of this account was carefully examined and each was verified by a proper and satisfactory voucher. The same well devised system of checks and balances in the receipts and disbursements of the Commissioner and his Assistants, adopted by his predecessor, has been kept up and observed by the present Commissioner.

Your committee next examined the account of collections from the several Banks, and find the same properly verified.

They next proceeded to examine the circulation account. In this account, they find a clerical error of forty dollars, which being corrected, will increase the circulation outstanding by that amount ; there is also in the report as printed, a similar typographical error of one hundred dollars.

Your committee then examined the account of bonds redeemed and outstanding. Upon counting those on hand, they were found to correspond in description and amount with the statement in the report.

The annexed tabular statements, show at one view the amount of bonds yet unredeemed, as well as those that have been heretofore redeemed. They will also show the annual

of interest to be provided for and where the same is payable, also the amount of reduction in our bond debt, from 1st November, 1853, to 1st November, 1855.

From the tabular statements, it will be seen

the outstanding bonds 1st November, 1853,	
was	\$4,484,666 67
Redeemed since,	252,777 77

Which leaves outstanding on 1st November, 1855,	\$4,231,888 90
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To offset this sum in part, the State holds in Virginia and North Carolina 6 per cent. Stocks,	800,000 00
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Leaving of Foreign debt yet to be provided for, \$3,431,888 90

Though the amount of this debt redeemed within the term of the last two years has been small, compared with the amounts redeemed in some of the previous terms, yet it will be seen the amount retired exceeds that of the two years immediately preceeding by \$239,777 77. There falls due absolutely, (without the right to extend,) on the first day of January, 1858, \$584,888 90 of sterling bonds. To place beyond contingencies the prompt payment of those bonds, your committee recommend that the Virginia and North Carolina Stocks, now in the hands of the Commissioner, be pledged and set apart for this specific purpose.

In relation to the disposition of the Stock held by the State in the Bank of Mobile, the committee have heretofore made a special report, that the terms of sale to the Bank of Mobile had not been literally complied with, but that there had been a compliance in substance and in good faith without any manner of prejudice to the State. Said report was accompanied with a bill in conformity thereto and the same has become a law.

Your committee concur in the suggestions of the Commissioner to remove and consolidate the business of the Branch Banks at Decatur and Huntsville, and place the same under the control and management of the Assistant Commissioner of the Branch Bank, in this city. Also in the policy of retaining and continuing the Assistant Commissioners at the State Bank and the Branch Banks here and in Mobile, and to abolish the office of Commissioner and Trustee.

The annexed tabular statements on that subject, shows that of the class of debts denominated "bad," "doubtful" and "unknown," and which is regarded by the Assistant Commis-

sioners as almost worthless, there is yet due to the Banks \$6,653,910 72. Of this very large sum the State cannot calculate to realize any considerable amount, and whatever is secured, will require extraordinary vigilance and exertion. To stimulate and command which, your committee recommend an enlarged discretion in the commissions allowed in the collection of such debts.

The Commissioner reports, that for the safety of the State, as well as himself, he thought prudent to employ a Clerk "to keep an account of his transactions connected with the receipts and disbursements of money." This authority was given to his predecessor and \$1500 00 allowed therefor. Whether the omission of such authority was accidental or designed your committee are of opinion that the reasons for continuing such Clerkship justified the responsibility assumed in so doing, and they recommend the salary of \$500 00, allowed to the Clerk so employed, be paid by the State.

The committee find in the hands of the Commissioner a number of blank impressions of the notes of the Branch Bank at Montgomery, which they recommend shall be destroyed. They also recommend that all uncanceled bonds of the State redeemed and in his hands be registered and cancelled.

On the retirement of the Commissioner and Trustee from his long connection with the State Bank and Branches in the various relations of Cashier, Assistant Commissioner and Commissioner-in-Chief, your committee deem it but an act of sheer justice that they bear testimony to the fidelity and ability with which he has discharged his duty in all matters referred to them, or which has come under their notice.

To carry out the various recommendations contained in this report, your committee instruct me to report the accompanying bill and recommend its passage.

Your committee subjoin sundry tabular statements, (each of which explains itself,) showing, in a condensed form, the reduction that has been made in our bond debt and its present condition, as well as the present condition of the State Bank and Branches.

R. JEMISON, Jr.,  
Chairman on the part of the Senate.  
J. L. M. CURRY,  
Chairman of House Committee.

*Bonds Outstanding 1st April, 1847.*

Rate of interest.	Amount of Bonds	Annual interest.	When due.	Where payable.
6 per cent.	\$ 100,000 00	\$ 6,000 00	1850	N. York.
5 per cent.	300,000 00	15,000 00	1852	N. York.
5 per cent.	3,500,000 00	175,000 00	1863	N. York.
5 per cent.	459,000 00	22,950 00	1865	N. York.
5 per cent.	382,000 00	19,100 00	1866	N. York.
5 per cent.	500,000 00	25,000 00	1865	N. Orleans.
5 per cent.	500,000 00	25,000 00	1866	N. Orleans.
6 per cent.	1,013,000 00	60,780 00	1850	London.
5 per cent.	1,043,555 55	52,177 77	1858	London.
5 per cent.	1,435,000 00	71,750 00	1866	London.
	<u>\$9,232,555 55</u>	<u>\$472,757 77</u>		

*Bonds Outstanding 1st November, 1853.*

Rate of interest.	Amount of Bonds	Annual interest.	When due.	Where payable.
6 per cent.	\$ 100,000 00	\$ 6,000 00	1870	N. York.
5 per cent.	2,091,000 00	104,550 00	1863	N. York.
5 per cent.	55,000 00	2,750 00	1865	N. York.
5 per cent.	190,000 00	9,500 00	1872	N. York.
6 per cent.	729,000 00	43,740 00	1870	London.
5 per cent.	594,666 67	29,733 33	1858	London.
5 per cent.	725,000 00	36,250 00	1866	London.
	<u>\$4,484,666 67</u>	<u>\$232,523 33</u>		

*Bonds Outstanding 1st November, 1855.*

Rate of interest.	Amount of Bonds.	Annual interest.	When due.	Where payable.
5 per cent.	\$2,048,000 00	\$102,400 00	1863	N. York.
5 per cent.	52,000 00	2,600 00	1865	N. York.
5 per cent.	190,000 00	9,500 00	1872	N. York.
6 per cent.	688,000 00	41,280 00	1870	London.
5 per cent.	669,000 00	33,450 00	1866	London.
5 per cent.	584,888 90	29,244 44	1858	London.
	<u>\$4,231,888 90</u>	<u>\$218,474 44</u>		
Less in't on	800,000 00			
N. Carolina & Virginia 6's		48,000 00		
		<u>\$170,474 44</u>		

Statement of the amount of indebtedness to State Bank and Branches, on 1st November, 1855, as shown by the reports submitted to the Legislature from the several Banks, viz :

At Bank State of Alabama,	\$1,284,273 58
“ Branch Bank Mobile,	3,219,007 66
“ “ “ Montgomery,	821,404 85
“ “ “ Decatur,	1,375,340 53
“ “ “ Huntsville,	240,536 80
	<hr/>
	\$6,940,563 42

From which deduct am'ts classed good, as shown by same report, and included in the above :

At Bank State of Alabama,	\$75,000 00
Branch Bank Mobile,	115,000 00
“ “ “ Montgomery,	75,000 00
“ “ “ Decatur,	7,760 28
“ “ “ Huntsville,	13,829 42
	<hr/>
	\$286,652 70—\$6,653,910 72

*Outstanding Circulation 1st November, 1855.*

Bank State of Alabama,	\$867,809 00
Branch Bank Mobile,	224,384 00
“ “ “ Montgomery,	101,242 00
“ “ “ Decatur,	88,226 00
“ “ “ Huntsville,	10,110 00
	<hr/>
	\$1,291,771 00
Less this amount in State Treasury,	841,619 00
	<hr/>
	\$450,152 00

*Statement of Collections at State Bank and Branches.*

At State Bank on debt classed good,	\$25,886 78
“ “ “ doubtful,	1,864 70
“ “ “ bad,	5,729 24
“ “ “ not classed,	8,102 00
“ “ “ real estate,	7,597 85
	<hr/>
	\$49,180,57

At Branch Bank Mobile on debt			
classed good,	\$46,221	32	
At Branch Bank Mobile—doubtful,			
“       “       “       bad,			
“       “       “       not classed,	81,317	13	127,538 46
At Branch Bank Montgomery on debt			
classed good,	\$18,376	85	
At Branch Bank Montg’y—doubtful,	4,233	40	
“       “       “       bad,	3,077	32	
“       “       “       not classed,	8,686	60	\$34,374 17
At Branch Bank Decatur on debt			
classed good,	\$3,159	58	
At Branch Bank Decatur—doubtful,	5,792	34	
“       “       “       bad,	2,904	55	
“       “       “       real estate,	794	10	\$12,650 57
At Branch Bank Huntsville on debt			
classed good,	\$11,571	52	
At Branch Bank Huntsville—doubtful,	3,870	88	
“       “       “       bad,	3,166	88	\$18,609 28

Total collections from 1st November,  
1853, to 1st November, 1855, \$242,353 04

Mr. Curry then introduced a bill to be entitled an act, to provide for the closing of the State Bank and Branches, and for other purposes, which was read and the constitutional rule being suspended, the same was read a second time and made the special order for Friday next at 11 o'clock, A. M., and moved that 133 copies be printed.

Mr. Thornton moved to amend by printing two thousand copies of the report.

Mr. Fowler called for a division of the question.

The question being first upon printing one hundred and thirty-three copies of the bill.

Carried.

The question then was upon printing 2000 copies of the report,

And the motion prevailed.

The House then proceeded to the consideration of the next special order, it being the bill making appropriations to the Alabama Insane Hospital.

Mr. Brown of Tuskaloosa, moved to lay the House bill on the table, and to take up the Senate bill on the same subject.

Carried.

The Senate bill was then read the second time.

Mr. Brown of Tuskaloosa, moved to amend as follows :

*Be it further enacted* That the Trustees of the Alabama Insane Hospital be, and are hereby authorized to draw for any balance now to the credit of the Insane Hospital fund, by their order to the Comptroller of Public Accounts, as prescribed in the first section of this act, and the Comptroller is hereby required to draw his warrant on the Treasurer for the payment of any such order as directed in said section.

The said amendment was adopted.

Mr. Belser moved to amend the first section of the bill as follows, viz :

Fifty thousand dollars in 1856, fifty thousand dollars in 1857, and fifty thousand dollars in 1858.

Said amendment was adopted.

And the yeas and nays were demanded on ordering the bill to a third reading.

Carried.

Yeas 54 ; nays 25.

Yeas—Messrs. Speaker, Acree, Belser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Fowler, Grubbs, Haden, Hobbs, Howard, Kirkland, Larkins, Langdon, Little, *McBride*, *McClanahan*, *McConnell*, Miree, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pryor, Pynes, Reid, Remson, Rhodes, Smith of Franklin, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Mobile, Thorton, Towles, White, Williams, Winston and Woolsey—54.

Nays—Beavers, Bradley, Brown of Marion, Burgess, Dawson, Ellis of Benton, Garleck, Hancock, Jackson, Jones, Menasco, McMullen, Milligan, Moragne, Moorer, Sanford, Sheffield, Smith of Lauderdale, Staton, Taylor of Coosa, Thorn, Ward of Cherokee, Ward of Dale, Wright and Wood—25.

A message from the Governor.

Mr. Speaker :

His Excellency, the Governor, has approved a bill, which originated in the House of Representatives, entitled

An act to cause the County Treasurer and County Surveyor of Franklin county, to be elected by the people.

The bill to be entitled an act to incorporate the Medical College, at Mobile, is herewith returned by the Governor to the House of Representatives, where it originated, with his objections thereto.

J. D. CATLIN, JR.,  
Private Secretary.



And the further consideration of the veto message was postponed until to-morrow 12 o'clock, M.

The House then proceeded to the consideration of the next special order, it being the bill to authorize all tax collectors to receive all solvent bills of the State Bank and Branches, together with all other solvent bills that are at par in the city of Montgomery for taxes due said State and counties.

Carried.

Yeas 68 ; nays 12.

Yeas—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Kirkland, Larkins, Langdon, Little, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Mirce, Moragne, Moorer, Nabors, Paddy, Pennington, Portis, Powell, Pryor, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Williams, Winston, Wright and Woolsey—68.

Nays—Messrs. Acree, Brown of Marion, Cochran, Dawson, Echols, Garleck, Grubbs, Gdem, Owens, Pynes, Reid and Ward of Dale—12.

The House proceeded to the consideration of the next special order, it being the bill to regulate the rate of interest in this State, and the question being upon the amendment offered by Mr. Belser,

Mr. Belser moved to amend the amendment by striking out "seven per cent." and inserting "eight per cent."

Adopted.

Mr. Cunningham moved to amend as follows:

Strike out all after the words "twelve and a half per cent. per annum," and add: Provided that any person shall charge more than said twelve and a half per cent. per annum, directly or indirectly, they shall forfeit the principal and interest, and be plead in bar against the collection of the said debt by law.

Mr. Fowler moved to lay said bill and amendment on the table, and the yeas and nays were called. Lost.

Yeas 36 ; nays 45.

Yeas—Messrs. Bishop, Bradley, Brown of Marion, Burgess, Byrne, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Haden, Hancock, Kirkland, Larkins, Langdon, Maples, Mirce, Pennington,

Powell, Reid, Sanford, Sheffield, Sykes, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, and Williams—36.

Nays—Messrs. Speaker, Acree, Beavers, Belser, Brown of Tuskalooza, Browder, Camp, Carpenter, Cochran, Dawson, Garleck, Gilmore, Grubbs, Hobbs, Howard, Jackson, Jones, Little, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors,, Nicholson, Odem, Owens, Peddy, Portis, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Coosa, Taylor of Mobile, White, Winston, Wright, Wood and Woolsey—45.

Mr. Camp moved to lay the amendment of Mr. Cunningham on the table.

Carried.

Mr. Powell moved to amend as follows, viz :

Strike out all after the enacting clause and insert the following :

That hereafter, whenever the plea of usury is filed and sustained in any cause pending in any court in this State, it shall only effect the interest over and above the rate of eight per centum, and judgment shall be rendered for the principal and interest for a longer or shorter time, any law to the contrary notwithstanding.

Mr. Cochran moved to lay said amendment on the table, and the yeas and nays were called.

Carried.

Yeas 55 ; nays 18.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Bradley, Burgess, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Davis, Dawson, Garleck, Gilmore, Grubbs, Hancock, Hobbs, Howard, Jones, Larkins, Langdon, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Nicholson, Owens, Peddy, Portis, Powell, Pynes, Reid, Remson, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Coosa, Thornton, Thorn, Towles, Winston, Wright, Wood and Woolsey—55.

Nays—Messrs. Bishop, Brown of Marion, Browder, Chapman, Crawford, Critcher, Curry, Ellis of Blount, Ellis of Benton, Fowler, Haden, Kirkland, Little, Mirce, Sanford, Sheffield, Sykes, Ward of Dale, and Williams—18.

Mr. Menasco moved to adjourn until to-morrow morning, half past 9 o'clock, and the yeas and nays were called.

Lost.

Yeas 25 ; nays 53.

Yeas—Messrs. Acree, Bishop, Bradley, Burgess, Chapman, Clanton of Sumter, Crawford, Critcher, Gilmore, Haden, Kirkland, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moragne, Nicholson, Odem, Powell, Rhodes, Towles, Ward of Cherokee, Wright and Woolsey—25.

Nays—Messrs. Speaker, Beavers, Belser, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleek, Grubbs, Hancock, Howard, Jackson, Jones, Larkins, Langdon, Little, Lynch, Maples, McClanahan, Moorner, Nabors, Owens, Peddy, Portis, Pynes, Reid, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Williams, Winston and Wood—53.

Mr. Jackson moved to suspend the business before the House to take up the resolutions in regard to evening sessions.

Mr. Jones moved to adjourn until 3 o'clock, this evening.

Carried.

Yeas 48 ; nays 29.

Yeas—Messrs. Bishop, Bradley, Brown of Tuskaloosa, Browder, Camp, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleek, Grubbs, Hobbs, Jones, Kirkland, Larkins, Langdon, Little, Lynch, Maples, McBride, McClanahan, McConnell, Milligan, Moorner, Nabors, Owens, Portis, Powell, Pryor, Pynes, Rhodes, Sanford, Staton, Taylor of Coosa, Taylor of Mobile, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—48.

Nays—Messrs. Speaker, Acree, Beavers, Belser, Brown of Marion, Carpenter, Clanton of Sumter, Crawford, Gilmore, Haden, Howard, Jackson, Menasco, McMullen, Miree, Moragne, Nicholson, Peddy, Reid, Remson, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Sykes, Thornton, Towles, Wright and Woolsey—29.

And the House stood adjourned until 3 o'clock, this evening.

AFTERNOON SESSION, January 22, 1856.

The House met pursuant to adjournment.

Mr. Camp moved a call of the roll.

Carried.

The following members answered to their names :

Messrs. Speaker, Acree, Beavers, Belser, Bishop, Bradley,

*Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Cochran, Cunningham, Curry, Dawson, Echols, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Howard, Jones, Larkins, Little, Maples, McConnell, McMullen, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Sheffield, Smith of Randolph, Taylor of Coosa, Thorn, Ward of Cherokee, Ward of Dale, White and Wright.*

No quorum present.

After a short time, Mr. Speaker announced a quorum present, and the House proceeded to business.

The engrossed bills :

For the benefit of certain persons therein named ;

For the benefit of certain persons therein named ;

To prevent the sale of spirituous liquors within three miles of Monroeville, and within two miles of Philadelphia Church, in *Monroe* county ;

To authorize the election of an additional Constable in beat No. 6, in *Coffee* county ;

For the relief of William Lukroy of *Coosa* county ;

To incorporate the Spring Hill Male and Female Academy, in *Marengo* county ;

To authorize Susan Lee to erect two gates on the *Pickens* Ferry and *Livingston* Road ;

To compensate surgeons and physicians in certain cases ,

To repeal an act therein named ;

To change the time of holding the Winter term of the Chancery Court of *Cherokee* county ;

To authorize the Commissioners' Court of *Pike* county to appoint one or more Assistant County Surveyors in said county ;

Authorizing auction sales in *Cherokee* county ;

To consolidate the offices of Judge of Probate and Clerk of the Circuit Court of *Faldwin* county ;

For the relief of *M. B. Breedlove* ;

For the relief of *John Nebett* ;

Compelling certain persons now exempt from working on public roads in *DeKalb* county ;

An act to amend section 3249 of the Code.

Mr. Belser moved to amend by way of engrossed ryder, which was read first, second and third times and passed,

And the foregoing named bills were severally read third time and passed.

The bill to be entitled an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at

Huntsville, approved 17th of February, 1854, was read third time and passed.

And the bills :

To amend an act establishing jury trials in Justices' courts, in the county of Walker ;

To regulate the collection of debts before Justices of the Peace in Walker county ;

Were severally read and ordered to be engrossed.

The following Senate bills were severally read the second time and referred to the committee on Judiciary ;

For the relief of James Forshees of Conecuh county ;

To amend section 3289 of the Code of Alabama.

To repeal section 3289 of the Code of Alabama.

To amend section 1537 of the Code of Alabama.

To compell witnesses to testify in foreign suits.

To improve the Supreme Court Library.

To amend an act entitled an act requiring the Governor to cause patents to be issued to certain lands therein named to May Stephens and others, approved 10th February, 1852.

To amend an act entitled an act to amend the Road law in the county of Pickens and other counties.

To compensate jurors and constables in Justices' Courts.

To amend section 1953 of the Code.

To compensate jurors trying the right of property before Justices of the Peace.

To compell executors, administrators and guardians, who have removed out of the State, to make final settlement of their accounts.

For the relief of John W. Brown of Macon county.

To amend the estray law.

To allow Clerks of the Circuit Courts of Henry and Dale counties longer time to issue executions.

To provide for the burial expenses of the poor.

Senate bills ordered to a third reading :

To repeal all laws and parts of laws incorporating the town of Russellville, in the county of Franklin.

To prevent the sale of spirituous liquors within one mile and a half of a lot and building known as Barnes' Store, at Pleasant Ridge, in the county of Greene.

To repeal section 6 of an act to lay off Cherokee and Lauderdale counties into four Commissioners' districts, and for other purposes therein named.

To authorize the conferring of diplomas at the Southern Military Academy, of Chambers county.

To amend an act to authorize the holding of an additional

term of the Chancery courts in Cherokee, Benton and Talladega counties, approved 17th of February, 1854.

To amend section 8 of an act to incorporate the Alabama Dragoon and Montgomery Riflemen, approved 18th February, 1854, and to pay the Montgomery Riflemen for tents, accoutrements and camp equipages, as provided in said section.

To establish a Medical Board in the county of Chambers.

For the relief of Jane Cothran of the county of Perry.

To amend the charter of the Montgomery and West Point Railroad Company.

For the relief of A. Moore, tax collector for Lowndes county.

To change the mode of electing a county Treasurer for the county of Monroe.

To amend the charter of the Huntsville Female Seminary, granted by the Court of Probate of Madison county.

To prevent the destruction of fish.

Authorizing the Commissioners of Revenue to erect poor houses.

To incorporate the Merchants' Mutual Insurance Company, at Montgomery.

To prevent the retail of spirituous or vinous liquors within one mile of Jacksonville Academy, in the county of Mobile, and to prevent the retail of the same within two miles of a school edifice known as the Marshall Institute, in Marshall county.

To provide for the election of County Commissioners in the county of Henry.

To authorize the Court of County Commissioners of Washington county to issue bonds to raise money with which to build a jail.

To authorize overseers of Hamburg and Uniontown public road, in Perry county, to use timber for said road under certain circumstances.

The following Senate bills were severally read the second time and referred to the committee on Corporations, viz:

To incorporate the Camp Hill Academy, in the county of Tallapoosa.

To incorporate the Alabama Fire Engine Company, Number 2.

To incorporate the Macon County Railroad Company.

To incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama.

To incorporate the Marine Insurance and Trust Company.

To amend the charter of the town of Marion, in the county of Perry.

To alter and amend the charter of the town of Eufaula.

The following Senate bills were severally read the second time, and referred to the committee on Ways and Means:

To define more perfectly the duties of Tax Assessors in the counties of Henry and Dale.

To amend 17th paragraph of Section 397 of the Code of Alabama.

To increase the salary of State Treasurer.

To increase the tax on peddling in the county of Pike.

The Senate bill :

To authorize the administrator of William Salter, deceased, to remove the administration of said estate from the county of Monroe to the county of Conecuh, was read the second time, and on motion of Mr. Portis, the same was laid on the table.

The bill to amend section 4 of an act entitled an act to incorporate the Coosa and Chattanooga Railroad Company, was read the second time and referred to the committee on Internal Improvements.

The Senate bills :

For the relief of James M. Petty of Fayette county ;

To authorize the Court of County Commissioners of Madison and Jackson counties to pay certain persons for certain services therein named:

To establish a Board of Botanic Physicians in the State of Alabama ;

To prevent the sale of spirituous liquors within three miles of Academies, in Hanover Beat, in Coosa county;

Were severally read the second time and referred to the committee on Propositions and Grievances.

The bill to amend an act, approved February 9th, 1854, authorizing the Commissioners' Court to establish, abolish or change the places of voting in election precincts, was read the second time, and referred to the committee on Privileges and Elections.

The Senate bills :

For the relief of Austin Morphew, jailor of Blount county;

To pay certain claims against the State :

Were severally read the second time and referred to the committee on Accounts.

To authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in the county of Franklin,

Was read the second time and referred to the committee on Education.

Mr. Brown, of Marion,

Moved to reconsider the vote by which the House passed the bill to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved 17th of February, 1854.

Mr. Staton moved to lay the motion on the table : which motion prevailed.

The bill :

To admit certain testimony in certain cases, was read the second time and referred to the committee on Judiciary.

The bills :

To authorize the Montgomery Mills Company to borrow money, and for other purposes, was read second time and referred to the committee on Corporations.

Mr. Reid, from committee on Propositions and Grievances, made the following report :

The committee on Propositions and Grievances, to which was referred the bill entitled an act to incorporate the village of Hamburg, and for other purposes, have examined and considered the same, and instruct me to report it back to the House. and recommend its passage.

The said bills were read the third time under a suspension of the constitutional rule, and passed.

Mr. Belser, from committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to which was referred a bill to be entitled an act to make a loan to the Alabama and Florida Railroad Company, have had the same under consideration, and directed me to report it back and recommend its passage.

Said bill made special order for to-morrow, 11 o'clock.

Mr. Curry, from same committee, reported as follows :

The committee on Internal Improvements, to which was referred a bill to be entitled an act to incorporate the Pickens and Noxubee (Miss.) Railroad Company, have considered the same and instructed me to report it back and recommend its passage.

The bill was then read third time, under a suspension of the rule, and passed.

Mr. Winston, from committee on State Bank and Branches, reported as follows :

The committee on the State Bank and Branches, to whom was referred a bill to be entitled an act for the relief of Henry M. Elmore and others, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.



Said bill was ordered to be engrossed.

Mr. Jackson, from committee on Ways and Means, made the following report:

The committee on Ways and Means, to whom was referred the bill to allow Jephtha Evans and Lewis White to peddle goods, wares and merchandise, in the county of Marion, without obtaining license therefor, have had the same under consideration and instruct me to report adversely thereto.

Mr. Brown, of Marion,

Moved to lay the report on the table.

Lost.

Said report concurred in.

Mr. Shackelford, by leave, introduced a bill to be entitled an act for the endowment of Graffenberg Medical Institute.

Mr. Powell, also by leave, introduced a bill to provide a remedy for clerks of the Circuit Courts against Sheriffs and Coroners, which was severally read and ordered to a second reading.

And, on motion,

House adjourned until to-morrow morning half past 9 o'clock.

WEDNESDAY, January 23, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

The Journal was read and approved.

Mr. Speaker laid before the House sundry records of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Goode asked leave to record his vote in the negative on the bill making a loan to the Memphis and Charleston R. R. Company; also to the bill making a loan to the Alabama and Tennessee Rivers Railroad Company—said bills having been vetoed by the Governor.

Mr. King asked and obtained leave to record his vote in the affirmative on both of said bills.

Granted.

Mr. Davis introduced a bill (for Mr. McClanahan) to prevent the sale of intoxicating liquors within two miles of Hora, a ware iron Furniss and Foundry in Shelby county, which was read and the constitutional rule being suspended, the same was read the second time and referred to the committee on Propositions and Grievances.

Mr. Wright presented the petition of sundry citizens in regard to declaring Pigeon Creek a public highway, which was referred to the committee on Roads, Bridges and Ferries.

The hour of 10 o'clock having arrived, for which their being a special order—the Senate bill to make a loan to the Mississippi and Alabama Railroad Company—

Mr. Moorer moved to suspend the special order to allow him to make a motion.

The yeas and nays called on the motion to suspend.

House refused to suspend.

Yeas 27 : nays 48.

Yeas—Messrs. Acree, Alford, Dawson, Gilmore, Goode, Kirkland, Lynch, Menasco, McBride, McConnell, McMullen, Moragne, Moorer, Nabors, Nicholson, Owens, Portis, Pynes, Rhodes, Sheffield, Taylor of Coosa, Towles, Ward of Dale, Ward of Cherokee, White, Winston and Wood—27.

Nays—Messrs. Speaker, Beavers, Bernhard, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Ellis of Blount, Galloway, Garleck, Grubbs, Haden, Howard, Hancock, Larkins, Langdon, Little, Maples, Miree, Odem, Peddy, Powell, Reid, Remson, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Thornton and Thorn—48.

Mr. Belser moved to amend the bill as follows :

That the sum of seventy-five thousand dollars, out of any monies in the treasury not otherwise appropriated, be and the same is hereby loaned to the Alabama and Mississippi River Railroad Company, payable to the State on the first day of February, 1860, bearing six per cent. interest, payable semi-annually in the city of New York, or elsewhere, as the Governor may direct.

SEC. 2. *Be it further enacted*, That as security for said loan said Railroad Company shall give personal security, to be approved of by the Governor, for a sum not less than one hundred thousand dollars, and such other security as the Governor may think proper to require: *Provided* nothing herein contained shall be so construed as to prevent said Company from paying the whole, or any part of said loan, at any time before the first day of February, 1860.

SEC. 3. *Be it further enacted*, That the sum of seventy-five thousand dollars be also loaned to the Mobile and Florida Railroad Company, to be expended between Montgomery and Greenville; seventy-five thousand dollars to the Mobile and Girard Railroad Company; seventy-five thousand dollars to the Mississippi, Gainesville and Tuskaloosa Railroad Co., and seventy-five thousand dollars to the Wills Valley Railroad

Company, on the like terms and conditions on which the loan in this act is made to the Alabama and Mississippi Railroad Company, in the first and second sections of this act.

Message from the Governor :

Mr. Speaker :

His Excellency the Governor, returns to the House, where they originated, accompanied with his objections thereto, the "Joint Resolutions for printing and distributing the report of the State Geologist."

J. D. CATLIN, Jr.,

Private Secretary.

Mr. Cochran moved to postpone the further consideration of said veto message until to-morrow, and make it the special order for 10 o'clock of that day.

The motion prevailed.

Mr. Speaker (Mr. Curry in the chair) moved to suspend the special order to allow him to introduce a resolution.

Carried.

Mr. Speaker then offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire and report to this House by 10 o'clock to-morrow morning, whether the printing of the report of the State Geologist in Tuscaloosa, as provided by the joint resolutions vetoed by the Governor, would be a violation of the contract made with the present State Printers.

Mr. Goode moved to lay the amendment offered by Mr. Belser on the table. Carried.

Yeas 53 ; nays 27.

Yeas—Messrs. Acree, Alford, Beavers, Bernhard, Bishop, Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Montgomery, Crawford, Curry, Echols, Ellis of Benton, English, Fowler, Galloway, Garleck, Gilmore, Goode, Grubbs, Hancock, Hobbs, Jones, King, Kirkland, Larkins, Langdon, Lynch, Menasco, Milligan, Miree, Moragne, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Reid, Remson, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White and Woolsey—53.

Nays—Messrs. Belser, Brown of Tuscaloosa, Browder, Camp, Chapman, Cochran, Cunningham, Dawson, Ellis of Blount, Haden, Howard, Little, Maples, McBride, McConnell, McMullen, Nicholson, Odem, Owens, Powell, Rhodes, Shackelford, Smith of Randolph, Thornton, Winston, Wright and Wood—27.

Mr. Clanton of Montgomery moved to lay the bill on the table.

Lost.

Yeas 40; nays 40.

Yeas—Messrs. Acree, Alford, Beavers, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Echols, Fowler, Garleck, Goode, Grubbs, Jones, Lynch, Menasco, McBride, McConnell, Milligan, Moragne, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Powell, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale and Wood.—40.

Yays—Messrs. Bernhard, Belser, Bishop, Brown of Tuscaloosa, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Ellis of Blount, Ellis of Benton, English, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, King, Kirkland, Larkins, Langdon, Little, Maples, McMullen, Miree, Odem, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Winston, Wright and Woolsey.—40.

The question was then upon ordering the bill to a third reading.

The yeas and nays were called.

Yeas 49; nays 36.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuscaloosa, Browder, Burgess, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, King, Kirkland, Larkins, Langdon, Little, McMullen, Miree, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Wright and Woolsey.—49.

Nays—Messrs. Acree, Alford, Beavers, Bradley, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Goode, Grubbs, Jones, Lynch, Menasco, McBride, McConnell, Milligan, Moragne, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Coosa and Ward of Dale.—36.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the veto message of the Governor upon the bill to incorporate the Medical College at Mobile.

Mr. Curry moved to postpone the consideration of said message until to-morrow at 12 o'clock.

Lost.

Yeas 27; nays 57.

Yeas—Messrs. Bernhard, Bishop, Brown of Tuscaloosa, Camp, Chapman, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, English, Galloway, Gilmore, Hobbs, Jones, Langdon, Little, McConnell, Miree, Reid, Rhodes, Shackelford, Sykes, Taylor of Mobile, Winston and Woolsey. —27.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bradley, Brown of Marion, Browder, Burgess, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Dawson, Echols, Ellis of Benton, Fowler, Garleck, Goode, Grubbs, Haden, Hancock, Howard, King, Kirkland, Larkins, Lynch, Maples, Menasco, McBride, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Wright and Wood —57.

The message was read, and is as follows :

EXECUTIVE DEPARTMENT, January 22, 1856.

*To the House of Representatives :*

In a message to the Senate on a bill to charter the Florence Synodical Female College, as well as in my regular message at the opening of the session, I endeavored to show to the Legislative department the injurious efforts of special legislation generally, as well as the impolicy of specially providing for matters attainable by the general law. The great number of special enactments which have for years constituted the chief part of Alabama legislation, had become so apparent an evil that in the construction and adoption of the Code, nearly all manner of private, local and special legislation was provided against by general laws, and the mode made easy and cheap for incorporating Academies, Colleges, and all kinds of institutions of learning, as well as manufacturing and mining companies, &c.

Imperfections, doubtless, exist in some of these general laws. Where such is found to be the case they should be amended, and made to cover the points of difficulty requiring special laws. It may be that general laws cannot be made to fit all cases : but if they cannot, they can be made so nearly to do so as to require but little special legislation, and that only as an exception to the general laws in certain particulars, such as being allowed to hold more property than was allowed to be held by corporations under the general laws, or something of that kind. Had the general law in reference to in-

stitutions of learning been amended, instead of the passage of a single special act, there would have continued no necessity for a repetition of special bills.

I see no new feature in this bill in regard to the organization of a corporate body necessary to carry out all of the objects of the corporation, but an increase of the number of Trustees. I do not see the necessity for that increase, though there may be no objection to it. Section three of the bill provides, that "all property, real and personal, of said College, shall be, and the same is hereby made free and exempt from taxation: *Provided*, the existing faculty shall vote in any election to fill any vacancy in the faculty."

I am unable to see what connection exists between the policy of exemption from taxation and the exercise of the privilege of voting by the faculty; or why the faculty, employed by the Trustees, as servants of the college, should be clothed with power to supersede their employers in continuation of their own body, in prejudice, perhaps, to the interest of the institution.

Section five provides, "and be it further enacted, that this act may be altered, repealed or modified upon application of not less than two-thirds of the members of the board of Trustees, or upon application of the faculty." It is not clear to my mind what idea was intended to be conveyed by this section, or to whom the application is to be made. If to the Legislature, it is without force, as that power is not divested by this enactment. If the power is to be vested any where else, it is without authority; and the power to amend or repeal the act, on application of the faculty and in opposition to the will of the Trustees, strikes me as a singular provision, and one that would invite early amendments, should the college go into operation.

As a department of the law-making power by the Constitution and by the will of the people of the State, I cannot become a party to any character of special legislation attainable by a general law, and without objection as a general law.

JOHN A. WINSTON.

The question being "shall the bill pass notwithstanding the Governors' veto?"

The bill passed by a constitutional majority.

Yeas 62; nays 21.

Yeas—Messrs. Speaker, Acree, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Browder, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Craw-

ford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Gilmore, Haden, Hancock, Hobbs, Howard, Jones, King, Larkins, Langdon, Little, *Maples*, *McBride*, *McMullen*, *Miree*, *Moorer*, Nabors, Nicholson, Odem, Owens, Portis, Powell, Reid, Remson, Rhodes, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White, Winston, Wright and Woolsey.—62.

Nays—Messrs. Alford, Beavers, Bradley, Brown of Marion, Burgess, Dawson, Garleck, Goode, Grubbs, Kirkland, Lynch, Menasco, McConnell, Milligan, Moragne, Peddy, Pynes, Sanford, Smith of Randolph, Taylor of Coosa and Wood.—21.

Message from the Senate by Mr. Taul:

Mr. Speaker:

The Senate has originated and passed bills of the following titles:

To grant the right of way to the Memphis and Charleston Railroad Company, to extend their road from Stevenson, in Jackson county, in this State, to the Tennessee line.

To amend an act to incorporate the town of Gunter'sville, in Marshall county, approved 3d February, 1848.

Amendatory of an act to amend the act incorporating the town of Athens, approved January 15, 1828.

For the relief of Obediah Milner, of Tallapoosa county.

To give a lien to livery stable keepers in Mobile county.

To incorporate the Cedar Bluff Transportation Company.

To incorporate the Southern Female College.

Also House bills:

To incorporate the East Alabama Male College at Auburn, Macon county;

To incorporate the LaGrange and Oxford Railroad Company.

Mr. Moorer asked leave of absence for his colleague Mr. Barry.

Mr. Howard asked leave of absence for Mr. Smith of Mobile.

Severally granted.

The House then proceeded to the consideration of the next special order, it being the bill to regulate the rate of interest in this State.

Mr. Cochran moved to suspend said special order to introduce a bill.

Carried.

Mr. Cochran introduced a bill to be entitled an act for the

further security and protection of the State in Railroad loans, which was read and the constitutional rule being suspended, the same was read the second time.

Mr. Fowler offered the following amendment :

*Provided*, that any loan already made or extended to any Railroad Company, shall not be extended after it becomes due.

Pending the adoption of which, the hour of 1 o'clock having arrived, the House stood adjourned until 3 o'clock, this afternoon.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of

Mr. Maples, the roll was called and the following named members answered to the call :

Messrs. Speaker, Acree, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Cochran, Critcher, Curry, Fowler, Galloway, Garleck, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard King Larkins, Little, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Peddy, Pennington, Portis, Pynes, Reid, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, White and Wright.—57.

The engrossed bills :

To regulate the collection of debts before Justices of the Peace in the county of Walker, and for other purposes ;

To regulate the proceedings of the board of County Commissioners in the county of Clark ;

Relative to hunting wild hogs in the county of Marengo, and other counties therein named ;

To insure the proper payment of State witnesses in the county of Chambers ;

Were severally read the third time and passed.

The engrossed bill :

To change the boundaries of the county of Hancock, and for other purposes, was read the third time.

Mr. Menasco moved to amend by way of engrossed ryder, “ *Provided*, that said Court House Commissioners shall not put in nomination any place over six miles from the centre of the county.

Mr. Moragne moved to lay the engrossed ryder on the table.



Carried.

Yeas 50 ; nays 25.

Yeas—Messrs. Speaker, Bernhard, Bishop, Brown of Tus-  
kaloosa, Burgess, Camp, Carpenter, Chapman, Crawford,  
Critcher, Curry, Davis, Echols, Ellis of Blount, Ellis of Ben-  
ton; Fowler, Galloway, Garleck, Grubbs, Haden, Hancock,  
Hobbs, Howard, Jones, Larkins, Little, Lynch, Maples, Mc-  
Mullen, Milligan, Moragne, Moorer, Nicholson, Owens, Ped-  
dy, Pennington; Portis, Powell, Pynes, Remson, Shackle-  
ford, Sheffield, Smith of Franklin, Smith of Lauderdale,  
Smith of Randolph. Staton, Sykes. Taylor of Coosa, White  
and Winston.—50.

Nays—Messrs. Acree, Barry, Bradley, Brown of Marion,  
Clanton of Sumter, Cochran, Cunningham, Gilmore, Goode,  
Jay, King, Kirkland, Menasco, McBride, McConnell, Na-  
bors, Odem, Rhodes, Sanford, Thornton, Thorn, Towles,  
Ward of Cherokee, Ward of Dale and Wright.—25.

The yeas and nays were called upon the passage of the  
bill.

The same was passed.

Yeas 54 ; nays 27.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Bishop,  
Brown of Tuskaaloosa, Burgess, Camp, Carpenter, Chapman,  
Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount,  
Ellis of Benton, Fowler, Galloway, Garleck, Goode, Grubbs,  
Handen, Hancock, Hobbs, Howard, Jay, Jones, Kirkland,  
Langdon, Little, Lynch, Maples, Menasco, McConnell, Mc-  
Mullen, Milligan, Moorer, Peddy, Pennington, Portis, Pow-  
ell, Remson, Shackelford, Sheffield, Smith of Franklin, Smith  
of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of  
Coosa and Winston—52.

Nays—Messrs. Alford, Barry, Bernhard, Bradley, Brown  
of Marion, Clanton of Sumter, Cunningham, Dawson, Echols;  
Gilmore, King, Larkins, McBride, Miree, Moragne, Nabors,  
Odem, Owens, Pynes, Reid, Sanford, Taylor of Mobile, Thor-  
nton, Thorn, Towles, Ward of Dale, and Wright—27.

The bill was declared lost by Mr. Speaker, the House hav-  
ing declared, upon a previous occasion, that it should take a  
two-third vote to alter or change the boundary of any county  
of this State.

Mr. Dawson moved to reconsider the vote by which the House  
refused to pass the above bill.

The motion prevailed.

Yeas 48 ; nays 26.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Bishop,

Brown of Tuskaloosa, Burgess, Camp, Carpenter, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Goode, Grubbs, Haden, Hancock, Howard, Jay, Jones, Langdon, Little, Lynch, Maples, Menasco, McConnell, McMullen, Moragne, Moorer, Peddy, Pennington, Portis, Powell, Remson, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Coosa and Winston—48.

Nays—Messrs. Alford, Barry, Bradley, Brown of M., Clanton of S., Cunningham, Echols, Gilmore, King, Kirkland, Larkins, Miree, Nabors, Odem, Owens, Pynes, Reid, Sanford, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Wright and Wood—26.

Mr. Curry moved to postpone the further consideration of the bill until to-morrow 12 o'clock, M.

Lost.

Mr. Sykes moved to postpone the further consideration of the bill until half past 3 o'clock, on Friday next, and the yeas and nays were called.

Carried.

Yeas 40 ; nays 28.

Yeas—Messrs. Speaker, Bishop, Brown of Tuskaloosa, Burgess, Camp, Carpenter, Chapman, Cochran, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Howard, Jay, Jones, Langdon, Little, Lynch, Maples, McMullen, Moragne, Moorer, Peddy, Pennington, Portis, Powell, Remson, Shackelford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Coosa, Ward of Dale, and Winston—40.

Nays—Messrs. Acree, Alford, Barry, Bradley, Brown of Marion, Clanton of Sumter, Cunningham, Dawson, Echols, Gilmore, Goode, King, Kirkland, Menasco, McBride, McConnell, Milligan, Miree, Nabors, Odem, Owens, Pynes, Sanford, Thornton, Thorn, Towles, Ward of Cherokee, Wright and Wood—28.

The Engrossed bill :

To be entitled an act to build the Alabama Central Railroad, was read the third time, and the yeas and nays called on the passage of the bill.

The bill was lost.

Yeas 41 ; nays 42.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Burgess, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, Fowler, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins,

Langdon, Little, Maples, McBride, Miree, Odem, Powell, Reid, Remson, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton and Winston—41.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Dawson, Ellis of Benton, Garleck, Gilmore, Goode, Grubbs, Jones, Kirkland, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, White, Wright and Wood—42.

Mr. Owens moved to suspend the regular order of business to introduce a bill, and to allow the committee on Military to report.

Carried.

Mr. Owens then introduced a bill to incorporate Society Hill Baptist Church, which was read, and the constitutional rule being suspended, the same was read the second time and referred to the committee on Corporations.

Mr. Menasco, from committee on Military Affairs, made the following report :

The committee on Military Affairs, to whom was referred a bill entitled an act to refund money, &c., have had the same under consideration, and have instructed me to report the same back to the House, and ask its reference to the committee on Accounts and Claims.

Mr. Curry moved to lay the report on the table.

Carried.

The bill —

To refund money to the *True Blues* was then read, pending the consideration of which, the hour of 5 o'clock arrived, and the House stood adjourned until half past 9 o'clock, to-morrow morning.

THURSDAY, January 24, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

On motion of Mr. Reid, the reading of the journal was dispensed with.

Mr. Cochran moved to suspend the call of the counties, to dispose of the bill for the further security of the State in Railroad loans.

Carried.

And the House proceeded to the consideration of the bill.

Mr. Fowler withdrew the amendment offered by him on yesterday.

Mr. Nabors moved to amend by adding in the second line, after the word "sum," the words "of money."

Lost.

Mr. Fowler then renewed the amendment offered by him on yesterday.

The question then was upon laying the amendment on the table.

Lost.

Yeas 31 ; nays 51.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Bishop, Browder, Camp, Chapman, Cochran, Critcher, Curry, Davis, Ellis of Benton, Galloway, Haden, Hancock, Howard, King, Maples, McClanahan, Moragne, Oden, Remson, Rhodes, Sheffield, Smith of Lauderdale, Staton, Sykes, Thorn, Winston and Woolsey—31.

Nays—Messrs. Acree, Alford, Beavers, Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Montgomery, Cunningham, Dawson, Echols, Ellis of Blount, Fowler, Garleck, Graham, Grubbs, Jones, Kirkland, Larkins, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moorier, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Sanford, Shackelford, Smith of Franklin, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wright and Wood—51.

Mr. Brown of Marion moved to reconsider the vote by which the House refused to pass the bill to build the Alabama Central Railroad.

Mr. Dawson moved to lay the motion to reconsider on the table.

Mr. McMullen moved to postpone the consideration of the motion of Mr. Dawson until to-morrow, 10 o'clock.

The hour of 10 o'clock having arrived, there being a special order, it being the veto message of the Governor upon the joint resolutions providing for the publishing and distribution of the report of the State Geologist.

Mr. Staton moved to postpone the further consideration of said veto message and joint resolutions until 12 o'clock, M., this day.

The yeas and nays were called.

Carried.

Yeas 45 ; nays 40.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Bish-

op, Brown of Tuskaloosa, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Fowler, Galloway, Hobbs, Howard, Jay, King, Larkins, Langdon, Little, Maples, McClanahan, McMullen, Miree, Moorer, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Winston, Wright and Woolsey—45.

Nays—Messrs. Acree, Alford, Beavers, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Dawson, Ellis of Benton, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Moragne, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Ward of Cherokee, Ward of Dale, White, Williams and Wood—40.

The question then was upon the motion of Mr. McMullen.

Mr. Lynch moved to postpone the motion to lay on the table until Monday next, at 11 o'clock.

Carried.

Yeas 48 ; nays 44.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Beck, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Dawson, Echols, Ellis of Benton, Fowler, Garleck, Gilmore, Graham, Grubbs, Haden, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Morague, Moorer, Owens, Peddy, Pennington, Portis, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Cherokee, White, Williams and Wood—48.

Nays—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Englis, Galloway, Hancock, Hobbs, Howard, Jay, King, Larkins, Langdon, Little, Maples, McBride, McClanahan, McMullen, Miree, Nicholson, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of L., Staton, Sykes, Taylor of Mobile, Winston, Wright and Woolsey—40.

Mr. Portis, from committee on Enrolled Bills, reported as follows :

The committee on Enrolled Bills, to which was referred the following bills, have examined the same, and instructed me to report the same as correctly enrolled.

SAM'L G. PORTIS, Ch'n.

An act to authorize Charles Dear to erect gates across a road therein named.

An act to authorize the completion of the final records of the Circuit Court of *Madison* county.

An act to regulate the summoning of jurors in the counties of DeKalb and Covington.

An act to change the law in relation to the county surveyors and coroner in the county of Dale.

A message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed a House bill to change the mode of assessing the tax of Butler county, amended as therein shown.

The Senate has originated and passed bills entitled :

An act to amend an act therein named.

To incorporate the Asbury Female Institute, at LaFayette, in the county of Chambers.

In reference to section 16th, in township 3, range 7, 11 and 12, in the county of Lauderdale.

To appropriate certain sums for improvements in the Penitentiary, and for other purposes.

To pay Britain & Blue for printing.

To incorporate the Middle Alabama Railroad Company.

To authorize certain persons therein named to erect a fish trap on Flint River, in *Madison* county.

To make permanent the Court House in the county of Bibb.

Also, a House bill :

To secure more effectually subordination among slaves, by requiring the owner or overseer to reside with them, (amended by the Senate.)

Also, a House bill :

To incorporate the village of Hamburg, and for other purposes.

The Hour of 11 o'clock having arrived, for which there being a special order, viz :

The bill to regulate the rate of interest in this State, the House proceeded to the consideration of said special order, when

Mr. McMullen moved to suspend the consideration of said special order, to take up the bill in regard to the Mobile and Girard Railroad Company, and the yeas and nays were demanded on the motion to suspend.

The House refused to suspend.

Yeas 38 ; nays 46.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Browder,

Camp, Chapman, Clanton of Montgomery, Crawford, Critcher, Cunningham, Davis, Dawson, Ellis of Benton, English, Howard, Jay, King, Larkins, Little, McMullen, Milligan, Miree, Moragne, Odem, Owens, Reid, Rhodes, Sheffield, Smith of Franklin, Staton, Sykes, Thorn, Towles, Ward of Cherokee, Ward of Dale, Wright and Woolsey—38.

Nays—Messrs: Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Burgess, Carpenter, Cochran, Curry, Ellis of Blount, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Jones, Kirkland, Langdon, Lockett, Lynch, Maples, Menasco, McConnell, Nabors, Nicholson, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Williams, Winston and Wood—46.

Mr. Clanton moved to suspend special order to refund money to the Montgomery True Blues, which motion prevailed, and the constitutional rule being suspended, said bill was read the third time and passed;

And on motion of Mr. Clanton, the same was ordered to be sent forth to the Senate.

The hour of 12 o'clock having arrived,

Mr. Powell moved to postpone the further consideration of the veto message of the Governor upon the joint resolutions providing for the publishing and distribution of the report of the State Geologist until to-morrow, at half past 10 o'clock, A. M.

Which motion prevailed.

Mr. Cochran, from committee on Judiciary, reported as follows:

The committee on the Judiciary, which was instructed to enquire into the question made by His Excellency, the Governor, in his veto of the joint resolutions, ordering the printing of the report of the Geologist of the State by a different person than the State printer, has considered the same, and instructs me to report that the State printers have a right to print said report, under their contract as State printers, and would have a right to sue the State for such damages as they may sustain by reason of ordering the printing to be done by others, and the veto of His Excellency, the Governor, is sound in principle and ought to be sustained.

Mr. Woolsey moved that this House do now adjourn until to-morrow, half past 9 o'clock, A. M., and the yeas and nays were demanded.

The motion prevailed.

Yeas 57; nays 30.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Bernhard, Beck, Browder, Burgess, Camp, Cochran, Crawford, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, English, Galloway, Gilmore, Grubbs, Haden, Hobbs, Howard, Jones, King, Kirkland, Little, Lockett, Menasco, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Nicholson, Odem, Powell, Reid, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Wright and Woolsey—57.

Nays—Messrs. Beavers, Belser, Bishop, Bradley, Brown of Tuskaloosa, Chapman, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Hancock, Jay, Larkins, Lynch, Maples, McConnell, Moorner, Nabors, Peddy, Pennington, Portis, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Coosa, Williams and Wood—30.

And the House stood adjourned until to-morrow, half past 9 o'clock, A. M.

FRIDAY, January 25, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. Reid moved that the reading of the journal be dispensed with. Carried.

Mr. McMullen introduced a bill for the relief of census takers of this State, which was read the first time, and the constitutional rule being suspended, the same was read the second time and referred to the committee on Propositions and Grievances.

Mr. Sanford introduced a bill to amend section 1825 of the Code.

Mr. Reid introduced a bill to make the indebtedness of distributees a valid set-off to their shares of estate.

Mr. Brown of Tuskaloosa, introduced a bill amending section 1801 of the Code, in relation to the settlement of estates.

Mr. Lynch introduced a bill to secure to mechanics and others payment for their labor and material in erecting any house or other building in this State.

Mr. Galloway introduced a bill to amend section 1726 of the Code of Alabama.

Which bills were severally read the first time, and the constitutional rule being suspended, the same were severally read the second time and referred to the committee on Judiciary.



Mr. Sanford introduced a bill to amend section 1950 of the Code of Alabama, which was read, and the constitutional rule being suspended, the bill was read the second time and referred to the committee on Ways and Means.

Mr. Reid introduced a bill for the relief of shippers of produce and merchandise, which was read the first time, and the constitutional rule being suspended, the same was read the second time and referred to the committee on Corporations.

Mr. King introduced joint resolutions, in relation to loaning and appropriating money out of the State Treasury, which was read.

Mr. King moved to suspend the rule so as to give the joint resolutions a second reading.

The House refused to suspend.

The question was then upon ordering the said joint resolutions to a second reading. Carried.

Yeas 18; nays 29.

Yeas—Messrs Speaker, Barry, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Camp, Critcher, Curry, Dawson, Ellis of Blount, Grubbs, Haden, Hancock, Howard, King, Kirkland, Larkins, Little, Lockett, McClanahan, McMullen, Moragne, Nicholson, Odem, Pennington, Powell, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—48.

Nays—Messrs. Acree, Alford, Beavers, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Echols, Galloway, Garleck, Jackson, Lynch, Maples, Menasco, McConnell, Milligan, Miree, Nabors, Owens, Peddy, Pynes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White and Williams—29.

Mr. Towles presented the account of T. J. Smith of Macon county.

Mr. Graham presented the petition of James B. Pruil and others of beat No. 10, in Coosa county.

Mr. Wood presented the petition of William C. Robinson and others, upon the subject of camp hunting, in Randolph county;

Which were severally read and referred to the committee on Propositions and Grievances.

Mr. Howard presented the petition of various citizens of the city and county of Mobile, asking for a charter for a lottery, which was referred to the committee on Corporations.

Mr. Jackson asked and obtained leave to record his vote in the negative on Railroad bills.

The hour of 10 o'clock having arrived, for which hour there being a special order, viz :

The bill to render more efficient the system of free public schools in this State, and on motion of Mr. Cochran, the House resolved itself into a committee of the Whole House, to consider the above bill.

(Mr. Cochran in the chair.)

After some time spent in deliberation thereon, the committee arose, and through their chairman, reported progress, and asked and obtained leave to sit again.

The House then proceeded to the consideration of the next special order, it being the veto message of the Governor upon the joint resolutions upon printing and distributing the report of the State Geologist, which was read, and is as follows :

EXECUTIVE DEPARTMENT, January 23, 1856.

*To the House of Representatives :*

The joint resolutions for printing and distributing the report of the State Geologist, authorize the State Geologist to have his report printed by other persons than Bates & Lucas, the State printers. The law on the subject of State printing, on a compliance with certain terms and stipulations, gives to those having the contract, the printing of all public documents, laws, &c.

It has been decided that Bates & Lucas were entitled to the public printing let out according to law. This decision was made by the proper officer, and Bates & Lucas, in consequence, have made a satisfactory bond and filed it in the proper office. They are now in the possession of the public printing other than the report of the State Geologist, which these joint resolutions propose to take away from them. They insist on their right, under the contract with the State, to the profits of the whole State printing. Indeed, they would have a just cause of action for damages in being deprived of any part of the work they have contracted to do.

I presume this aspect of the case had not been presented to the Legislature when the joint resolutions were adopted.

As I conceive their effect would be a violation of the contract the State has entered into with the State printers, they cannot receive my approval.

JOHN A. WINSTON.

And the question being "shall the bill pass, notwithstanding the Governor's veto?"

Lost.

Yeas 29 ; nays 64.

Yeas—Messrs. Speaker, Bernhard, Brown of Tuscaloosa, Camp, Chapman, Clanton of Sumter, Crawford, Cunningham, Garleck, Gilmore, Howard, King, Langdon, Little, Lynch, Moragne, Odem, Smith of Lauderdale, Sykes and White—29.

Nays—Messrs. Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Burgess, Carpenter, Cochran, Critcher, Curry, Davis, Dawson, Echols, Ellis of Blount, English, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, Maples, McNasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moorner, Nabors, Nicholson, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston and Wright—64.

And the House refused to pass the bill.

The Clerk stated that he had ascertained from the statement on yesterday, upon an examination of the record, that the motion of Mr. Lynch to postpone the motion of Mr. McMullen to lay the motion of Mr. Dawson to lay the motion of Mr. Brown, of Marion, to reconsider the vote by which the House refused to build the Alabama Central Railroad, until Monday next, at 11 o'clock, A. M., that the announcement of yeas (48) and nays (44) was erroneous, and should have been yeas 43 ; nays 44.

The motion was consequently laid on the table, and the subsequent action of the House should not have been taken, and with the consent of the House, the journal would be corrected accordingly.

And the question being upon the reconsideration of the vote by which the House refused to pass the bill to build the Alabama Central Railroad,

On motion of Mr. Brown of Marion the question prevailed.  
Yeas 46 ; nays 42.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Bishop, Brown of Tuscaloosa, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, English, Galloway, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Langdon, Larkins, Little, Maples, McBride, McClanahan, McMullen, Miree, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Winston, Wright and Woolsey—46.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley,

*Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Dawson, Ellis of Benton, Fowler, Garleck, Gilmore, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Moragne, Moorner, Nabors, Nicholson, Owens, Peddy, Pennington, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, White, and Williams—42.*

*Mr. Cochran moved to suspend business to dispose of the bill,*

*And the yeas and nays were called on the motion to suspend.*

*Carried.*

*Yeas 44 ; nays 42.*

*Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, English, Fowler, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, Maples, McBride, McClanahan, Miree, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Winston and Woolsey—44.*

*Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Bradley, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Dawson, Garleck, Gilmore, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Moorner, Nicholson, Owens, Peddy, Pennington, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, White, Williams and Wright—42.*

*The question then being upon the passage of the bill, and the yeas and nays were called.*

*Carried.*

*Yeas 47 ; nays 40.*

*Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Burgess, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Echols, Ellis of Blount, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, Maples, McBride, McClanahan, McMullen, Miree, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Winston, Wright and Woolsey—47.*

*Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley,*

Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Dawson, Ellis of Benton, Fowler, Garleck, Gilmore, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Moragne, Moorer, Owens, Peddy, Pennington, Pynes, Sanford, Shackelford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, White and Williams—40.

And the bill passed.

Message from the Governor :

Mr. Speaker :

His Excellency the Governor has approved of bills, which originated in the House of Representatives, of the following titles :

An act for the relief of W. C. Thomas of Marshall county.

An act incorporating the town of Jacksonville, in Benton county.

An act to authorize the qualified voters of the county of Tuskaloosa to elect the Treasurer of said county.

An act to authorize the removal of the administration of the estate of Wm. J. Saunders from Jackson to Madison county.

An act to divorce Jesse Kinsey and other persons therein named.

An act in relation to the Court of County Commissioners in Shelby county.

An act to authorize the administrator of Warren Herrin to remove the administration from the county of Russell to the county of Macon.

An act to extend the fall term of the Chancery Court at Wetumpka, to give to the county of Shelby an additional term, and to postpone the commencement of the Fall terms of the Chancery Courts for Dallas, Perry and Greene counties.

An act for the relief of John A. Stow and Isaac Stow of Tallapoosa county.

An act to amend certain acts therein named.

An act to amend the charter of the Opelika and Talladega Railroad Company.

An act to revive an act therein named, and for other purposes.

An act for the relief of certain persons therein named.

Also,

Joint resolutions to authorize the loan of muskets to the Rehobeth Male Academy.

Joint resolutions in regard to the death of the Hon. Henry W. Collier.

The bill to be entitled an act to incorporate the Southern University at Greensborough, in the county of Greene, and for other purposes, is herewith returned to the House of Representatives, accompanied with the objections of the Executive thereto.

J. D. CATLIN, JR.,  
Private Secretary.

The veto message was read, and is as follows :

EXECUTIVE DEPARTMENT; January 25, 1856.

*To the House of Representatives :*

I return to the House of Representatives, where it originated, without my approval, the bill to be entitled "An act to incorporate the Southern University at Greensborough, in the county of Greene, and for other purposes."

In communications to the Legislature, made at the present Session, I have endeavored to show the expediency of so many, or of any special acts, where the same might be accomplished by amendment, might be made to amend the existing law—especially so in regard to institutions of learning, which should all, to be placed on the same favorable basis.

There appears nothing in the favor of this bill, which, if proper for this institution, would not be equally proper for all others in the State. I have been informed, but it is not so stated in the bill, that one of the objects in this act is to enable the corporation to hold a larger amount of property than is authorized by the existing general law. It may be that the general law needs amendment in this particular. If so, let it be amended ; and let all avail themselves of the benefits thereof, and thus prevent future applications for special enactments in their favor and a waste of the time of the Legislature.

The frequent recurrence of the necessity of the passage of such special acts, establishes the correctness of the position I assumed in the objections already presented upon similar bills.

JOHN A. WINSTON.

Mr. Powell moved to suspend the rule of the House, which required it to adjourn at 1 o'clock.

Carried.

And the question being—shall the bill pass, notwithstanding the veto of the Governor?

And the same was passed.

Yeas 53 ; nays 29.

Yeas—Messrs. Speaker, Acree, Barry, Bernhard, Belser,

Brown of T., Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Little, McClanahan, Miree, Moorer, Nabors, Nicholson, Odem, Owens, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White, Williams and Woolsey—55.

Nays—Messrs. Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Burgess, Camp, English, Garleck, Hancock, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Peddy, Sheffield, Smith of Randolph, Taylor of Coosa, Ward of Dale, and Wright—27.

On motion of Mr. Pennington, the House adjourned.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Davis moved a call of the roll.

The motion was lost.

Mr. Belser moved to amend the title of the bill "to build the Central Railroad."

Carried.

The title of the bill as amended is as follows:

"A bill providing for the survey of a central route from North to South Alabama."

The engrossed bill—For the relief of Henry M. Elmore and others—was read a third time and passed.

Message from the Governor, by J. D. Catlin, Jr. Private Secretary:

January 26, 1856.

Mr. Speaker:

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles:

An act for the relief of the executors of the last will and testament of James Blackman, deceased.

An act to incorporate the Gainesville Insurance Company.

An act for the relief of certain persons therein named.

J. D. CATLIN, Jr.,

Private Secretary.

A message from the Senate, by Mr. Taul, Assistant Secretary.

Mr. Speaker:

The Senate has originated bills of the following titles:

To allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Ann Eliza Witherspoon, deceased, late of Greene county.

Fixing the time for holding certain county courts therein named.

To amend an act approved the 17th of February, 1854.

To provide for the investment and safe keeping of estates and monies in certain cases.

To incorporate Ft. Deposit Academy in the county of Lowndes.

To amend an act to incorporate the Coal Mining Company.

To regulate the sale of spirituous liquors in Harrell's Cross Roads Beat, in Dallas county.

To incorporate the Elba Insurance Company in Coffee county, amended as therein shown.

An act relating to the government and revenue of Mobile county.

To incorporate the Commerce Street Hotel Company of Montgomery.

To incorporate the Selma and Tuscaloosa Telegraph Companies.

The Senate has rejected House bills :

To authorize the Governor to appoint a person to act as his private secretary.

For the relief of the Tax Assessor and Collector and Judge of Probate of Jefferson county.

Also, bills originating in the Senate :

To amend an act entitled "an act to authorize and regulate the business of banking"—approved February 12, 1850.

A joint resolution of the General Assembly.

To incorporate the Huntsville Mining and Manufacturing Companies—over the executive veto.

For the relief of Spencer Moore and Monemia Kinsey—over the executive veto.

A House bill—To incorporate the Male Academy and Female Seminary in the town of Summerville, in Morgan county.

A House bill—to incorporate the Medical College at Mobile—notwithstanding the Executive veto.

Mr. Jackson moved to reconsider the vote by which the House passed, over the Executive veto, the bill to incorporate the Southern College at Greensborough.

Mr. Fowler moved to lay the motion to reconsider on the table.

Lost.

Yeas 37 ; nays 47.



Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Brown of Tuskaloosa, Carpenter, Chapman, Crawford Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler Galloway, Haden, Hancock, Hobbs, Howard, Larkins, Maples, McClanahan, Miree, Nicholson, Odem, Owens, Powell, Reid, Smith of Franklin, Sykes, Taylor of Chambers, Thornton, Thorn, Ward of Dale, White and Woolsey—37.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp, Clanton of Sumter, Cochran, Critcher, Dawson, Garleck, Goode, Graham, Grubbs, Jackson, Jay, Jones, King, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Sanford, Shackelford, Sheffield, Smith of Randolph, Taylor of Coosa, Towles, Ward of Cherokee, Williams, Winston and Wright—47.

Mr. Davis moved to postpone the further consideration of the motion to lay on the table until to-morrow at 12 o'clock, M.

Lost.

Yeas 36 ; nays 48.

Yeas—Messrs. Speaker, Barry Bernhard, Belser. Brown of Tuskaloosa, Carpenter, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Graham, Grubbs, Hancock, Hobbs, Howard, Jay, Little, McClanahan, Miree, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Sanford, Smith of Franklin, Sykes, Ward of Dale, White and Woolsey—36.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp, Clanton of Sumter, Cochran, Dawson, Galloway, Garleck, Goode, Haden, Jackson, King, Kirkland, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Shackelford, Sheffield, Smith of Lauderdale, Smith of Randolph, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Williams, Winston and Wright—48.

Mr. Fowler moved to postpone until to-morrow at 11 o'clock,

A. M.

Mr. Goode moved to lay said motion on the table.

Lost.

The question recurred upon the motion of Mr. Fowler.

Carried.

Yeas 50 ; nays 37.

Yeas—Messrs. Speaker, Acree, Barry Belser, Brown of Ma-

rion, Brown of Tuskaloosa, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Grubbs, Haden, Hobbs, Howard, Jay, Langdon, Little, Lynch, McClanahan, Miree, Moragne, Nicholson, Odem, Owens, Pennington, Powell, Reid, Rhodes, Sanford, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Winston and Woolsey—50.

Nays—Messrs. Alford, Beavers, Beck, Bishop, Bradley, Browder, Burgess, Camp, Cochran, English, Galloway, Goode, Graham, Hancock, Jackson, Jones, King, Kirkland, Larkins, Lockett, Menasco, McBride, McConnell, McMullen, Milligan, Nabors, Peddy, Portis, Tynes, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Coosa, Towles, Ward of Cherokee, Williams and Woolsey—27.

Mr. Brown of Tuskaloosa moved to suspend the veto message, as to the same bill making an appropriation for the building of a new hospital for the hospital of Tuskaloosa.

The motion prevailed.

Said bill was then read the third time and the same was passed.

Yeas 53; nays 27.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beck, Belser, Bishop, Brown of Tuskaloosa, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Fowler, Galloway, Hobbs, Howard, Jay, King, Kirkland, Langdon, Larkins, Little, Lynch, Menasco, McBride, McClanahan, McConnell, Miree, Nabors, Nicholson, Odem, Owens, Portis, Powell, Reid, Remson, Rhodes, Smith of Franklin, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams and Woolsey—53.

Nays—Messrs. Beavers, Bradley, Burgess, Dawson, Ellis of Blount, Ellis of Benton, English, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Lockett, Maples, McMullen, Milligan, Moragne, Peddy, Pennington, Sanford Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa and Wright—27.

The veto upon the bill, to incorporate the Huntsville Mining and Manufacturing Company was read and the House passed the bill over the Executive veto.

Ayes 53; nays 29.

Yeas—Messrs. Speaker, Acree, Barry, Brown of Tuskaloosa,

Browder, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Little, Maples, McBride, McClanahan, Miree, Nicholson, Odem, Owens, Powell, Reid, Remson, Rhodes, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Wright and Woolsey—53.

Nays—Messrs. Beavers, Beck, Bishop, Bradley, Brown of Marion, Burgess, Dawson, Garleck, Goode, Graham, Hancock, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Portis, Pynes, Sanford, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Cherokee and Williams—29.

The House proceeded to reconsider the veto message of the Governor, upon the bill for the relief of Spencer Moore and Monemia Kinsey, which was read.

Mr. Owens moved to suspend the rule which requires the House to adjourn at 5 o'clock, to dispose of the message.

Carried.

After some time spent in discussion upon the bill, on motion of Mr. Graham, Mr. Taylor of Mobile being entitled to the floor,

The House adjourned until to-morrow morning at half-past 9 o'clock.

SATURDAY, January 26th, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

On motion of Mr. Echols, the reading of the journal was dispensed with.

The House then proceeded with the consideration of the Governor's veto and the bill for the relief of Spencer Moore and Monemia Kinsey, and the House refused to pass the bill.

Yeas 47 ; nays 28.

Ayes—Messrs. Speaker, Barry, Bernhard, Belser, Brown of Tuskaloosa, Clanton of Sumter, Crawford, Critcher, Cunningham, Dawson, Echols, Fowler, Garleck, Gilmore, Haden, Howard, Jackson, Jay, Jones, Langdon, Larkins, Little, Lockett, Maples, McClanahan, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Portis, Powell, Rhodes, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, White, Winston, Wright and Woolsey—47.

**Nays**—Messrs. Acree, Beavers, Beck, Bishop, Bradley, Burgess, Carpenter, Cochran, Curry, Galloway, Goode, Graham, Hancock, Hobbs, King, Kirkland, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Pynes, Remson, Sanford, Sheffield, Smith of Randolph, and Williams—28.

Mr. Carpenter moved to reconsider the vote by which the House refused to pass the above bill.

The motion prevailed.

The question was then taken on the passage of the bill, and the same was passed.

Yeas 61 ; nays 15.

**Yeas**—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Belser, Bishop, Brown of Marion, Brown of Tuskalooza, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Critcher, Cunningham, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Gilmore, Haden, Howard, Jackson, Jay, Jones, Langdon, Larkins, Little, Lockett, Maples, McBride, McClanahan, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Portis, Powell, Reid, Remson, Rhodes, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, White, Winston, Wright and Woolsey—61.

**Nays**—Messrs. Beck, Bradley, Cochran, Galloway, Goode, Hancock, King, Kirkland, Menasco, McConnell, McMullen, Pynes, Sanford, Sheffield and Williams—15.

The House then proceeded to the consideration of the motion made by Mr. Jackson, on yesterday, to reconsider the vote on the bill to incorporate the Southern University, at Greensborough, and for other purposes, which was passed over the Governor's veto, and the question being on the reconsideration of the vote,

The yeas and nays were called.

Yeas 31 ; nays 48.

**Yeas**—Messrs. Acree, Bishop, Bradley, Brown of Marion, Burgess, Camp, Goode, Graham, Hancock, Jackson, King, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pynes, Reid, Sanford, Smith of Lauderdale, Smith of Randolph, Towles, Ward of Cherokee and Wright—31.

**Nays**—Messrs. Speaker, Alford, Barry, Bernhard, Belser, Brown of Tuskalooza, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Grubbs, Haden, Hobbs, Howard, Jay, Jones, Langdon, Larkins, Little, McClanahan, Miree, Odem, Owens, Por-

tis, Powell, Remson, Rhodes, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, White, Winston and Woolsey—48.

On motion of

Mr. Cochran, the House resolved itself into the committee of the Whole House, to proceed with the consideration of the bill—

To render more efficient the system of Free Public Schools in this State.

After some time spent in deliberation thereon, the committee rose, and through their chairman, (Mr. Cochran,) reported progress, and asked and obtained leave to sit again on to-morrow.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed bills from the House of Representatives as follows :

To prevent the sale of spirituous liquors within three miles of Monroeville, and within two miles of Philadelphia Church, in Monroe county.

To incorporate the village of Perryville, and for other purposes.

To repeal in part the Patrol law in the counties of Marshall, Cherokee, DeKalb, and others.

To divorce Mary E. Greene from her husband, Rufus Greene, and other persons therein named.

Regulating justices' courts in the county of Randolph.

Amendatory of an act establishing commissioners' districts in the county of Walker.

To regulate the pay of the Sheriff and Clerk of Benton county for ex officio services.

For the relief of the purchasers and heirs of the estate of Arthur Fant, deceased.

To authorize Thomas Thom & Sons, of Franklin county, to erect a certain dam therein named.

To consolidate the offices of Tax-Collector and Assessor for the county of Hancock.

To divorce Susannah Caple from her husband, Samuel Caple, and other persons therein named.

To divorce William B. Wilson from his wife, Sarah J. Wilson, and other persons therein named.

To divorce Thomas D. Broadway from his wife, R. Minty Broadway.

To divorce Huldah Johnson from her husband, Spencer Johnson, and other persons therein named.

To divorce Daniel Cannon from his wife, Jane Cannon.

To authorize Justices of the Peace to have certain attachments executed.

To prevent more effectually the commission of burglary and theft in this State.

To lay off the county of Jefferson into four Commissioners' districts.

To repeal in part an act entitled "an act to incorporate the Pickens DeKalb Minute Men."

To allow executors and administrators discretionary power in certain cases.

To change the manner of appointing Overseers of Roads in Marion and Walker counties.

To increase the pay of the County Court Commissioners of the county of Franklin.

To incorporate the Commercial Bank of Alabama, (amended by the Senate, as therein shown.)

For the relief of William Lecroy of Coosa county ; (amended by the Senate.)

The Senate has originated and passed bills entitled as follows :

An act to increase the salary of the Secretary of State.

To incorporate the Alabama Roofing Slate Company.

To authorize the Court of County Commissioners of Franklin county to make appropriations for the relief of certain persons therein named.

To incorporate Society Hill Male Academy.

For the relief of James J. Sublett.

The Senate has rejected an act "to authorize an increased license on retailers in the city of Montgomery," which originated in the House of Representatives.

The Senate concurred in the amendments made by the House, to the Senate bill making an appropriation for the completion of the Alabama Insane Hospital.

A message from the Senate :

Mr. Speaker:

The Senate has passed a bill to incorporate the Florence Wesleyan University ; said bill having been vetoed by the Governor.

A bill to incorporate the Southern University at Greensboro' ; vetoed by the Governor.

A bill to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama ; vetoed by the Governor.

The House proceeded to the consideration of the veto message of the Governor, upon the bill to incorporate the Florence Wesleyan University—the question being “Shall the bill pass?”

The message having been read, the ayes and nays were called, and the bill passed over the Governor’s veto.

Ayes 73, nays 5.

Ayes—Messrs. Speaker, Alford, Barry, Bernhard, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Camp, Chapman, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Little, Mables, McBride, McClanahan, McMullen, Miree, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, White, Williams, Winston and Woolsey—73.

Nays—Messrs. Beavers, Kirkland, Lockett, McConnell, and Milligan—5.

On motion,

The House adjourned till half-past 9 o’clock on Monday morning.

MONDAY, January 28, 1856.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Finley.

On motion of Mr. Barry,

Leave of absence was granted Mr. Moorer. Also,

On motion of Mr. Peddy,

Leave of absence was granted Mr. Shackelford.

The chair laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony.

Mr. Staton moved to suspend the call of the counties to allow him to offer a resolution.

Carried.

Mr. Staton then offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses of the General Assembly will adjourn *sine die* on the 12th day of February next, at 12 o’clock, M.

Mr. Jay moved to amend by striking out “12th,” and inserting “Friday 15th,” which was accepted by Mr. Staton.

Mr. Curry moved to amend by striking out "15th," and inserting "11th."

Lost.

Mr. Smith of Franklin moved to postpone the motion until the 8th of February, and make it the special order for 11 o'clock of that day.

The yeas and nays were demanded.

Lost.

Yeas 13; nays 55.

Yeas—Messrs. Acree, Howard, Kirkland, Langdon, Little, McConnell, McMullen, Nicholson, Powell, Reid, Smith of Franklin and Towles—13.

Nays—Mr. Speaker, Alford, Barry, Bishop, Bradley, Beavers, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Carpenter, Chapman, Clanton of Sumter, Critcher, Curry, Davis, Elliss of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Jones, Jay, Larkins, Lynch, Maples, Menasco, McClanahan, Milligan, Miree, Moragne, Odem, Owens, Peddy, Pennington, Pynes, Remson, Rhodes, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thorn, Ward of Cherokee, Ward of Dale, Williams, Winston and Woolsey—55.

Mr. Critcher moved the previous question; and the same was sustained.

Yeas 53; nays 21.

Yeas—Messrs. Speaker, Acree, Barry, Beavers, Bradley, Brown of Marion, Brown of Tuskaloosa, Camp, Chapman, Clanton of Sumter, Cochran, Critcher, Cunningham, Davis, Dawson, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Haden, Hobbs, Jackson, Jay, Kirkland, Larkins, Little, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Pynes, Reid, Rhodes, Sanford, Sheffield, Smith of Franklin, Staton, Taylor of Chambers, Thornton, Towles, Ward of Cherokee, Ward of Dale, White, Williams and Woolsey—53.

Nays—Messrs. Belser, Bishop, Burgess, Byrne, Carpenter, Curry, Goode, Grubbs, Hancock, Howard, Langdon, Maples, McClanahan, Miree, Nabors, Remson, Smith of Lauderdale, Smith of Randolph, Sykes, Thorn and Winston—21.

And the resolution was ordered to be sent forthwith to the Senate.

Mr. Rhodes moved to suspend the business before the House to proceed with the call of the counties.



Carried.

Mr. Sanford introduced a bill to amend an act entitled an act to incorporate the Alabama and East Tennessee Railroad Company.

Mr. Winston introduced a bill amendatory of an act to charter the Wills Valley Railroad Company.

Mr. Curry introduced a bill to change the time of holding the next Spring term of the Circuit Court of Talladega county.

Mr. Clanton of Sumter introduced a bill for the benefit of Sumter county ;

Also a bill to authorize the Mississippi, Gainesville and Tuskaloosa Railroad Company to issue mortgage bonds, and to dispose of the same.

Mr. Peddy introduced a bill to amend an act entitled an act to incorporate the Graffenberg Medical Institute.

Said bills were severally read the first time, and under a suspension of the constitutional rule, read the second and third times forthwith and passed, and ordered to be sent to the Senate.

Mr. Woolsey introduced a bill to amend an act entitled an act to incorporate the Southern University, at Greensboro', and for other purposes ; which was read, and the rule being suspended, was read the second time.

Mr. Rhodes moved to refer the bill to the committee on the Judiciary. Lost.

Mr. Smith of Lauderdale moved to amend by striking out, "or within two miles of said corporate limits in any direction therefrom."

Mr. Fowler moved to lay the amendment on the table.

Carried.

Yeas 54 ; nays 13.

Yeas—Messrs. Speaker, Beavers, Beck, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Ellis of Benton, Fowler, Galloway, Gilmore, Haden, Hobbs, Howard, Jackson, Langdon, Larkins, Lockett, McClanahan, McConnell, Miree, Moragne, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Williams, Winston and Woolsey—54.

Nays—Messrs. Brown of Marion, Goode, Hancock, Lynch, Maples, Menasco, McMullen, Milligan, Nabors, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, and Towles—13.

Mr. Jackson moved to amend by striking out "bar."

Adopted.

Mr. Haden moved to amend by striking out "two miles," where it occurs in section one, and inserting "three miles."

Mr. Smith of Franklin called for a division of the question, it being upon the motion to strike out, and the House refused to strike out, and the amendment was lost.

On motion of Mr. Jackson,

The constitutional rule was suspended, and the bill was read the third time and passed.

A message from the Senate:

Mr. Speaker:

The Senate has passed bills, which originated in the House, entitled as follows:

To establish a Board of Physicians in the town of Newton, Dale county.

To authorize the sheriff of Sumter county to summon bailiffs in certain cases.

To authorize the administrator of R. A. M. Powell, dec'd, of the county of Fayette, to sell the real estate on a longer time than one year.

To remove the administration of the estate of R. S. Scott, late of Texas, from Autauga to Montgomery county.

To prevent the burning of Forests, worked for turpentine.

To authorize the Commissioners' Court of the county of DeKalb to reconvey land in a certain case.

To incorporate the Fulton Male and Female Academy in Dallas county.

To exempt the citizens of Columbiana from working on public roads, except within the corporate limits thereof.

To fix the boundary line between the counties of Cherokee and Benton.

For the relief of John Neblett.

To regulate the Sheriff's and Coroner's sales in the county of St. Clair.

For the relief of L. H. Diskerson—amended as therein shown.

The Senate has also concurred in the resolution of the House, proposing that the two Houses adjourn *sine die* on Friday 15th day of February; and has amended the same by striking out 'Friday 15th,' and inserting 'Monday 11th.'

Mr. Taylor of Chambers presented the account of Martin Burton.

Mr. White presented an account.

Mr. Winston presented the account of P. J. Burgess.

Said accounts were referred to committee on Accounts.

Mr. Graham presented the petition of Henry Hamell, of Wetumpka, which was referred to the committee on Propositions and Grievances.

Mr. Winston presented a petition to define the line between the counties of Marshall and DeKalb, which was referred to a select committee, composed of the delegations from said counties.

Mr. Belser introduced a bill to amend an act approved 15th February, 1852, and for other purposes therein named, which was read the first time, and, under a suspension of the rule, the same was read the second time and referred to the committee on Banks and Banking.

Mr. Smith of Randolph introduced a bill for the relief of James Scales, which was read and ordered to a second reading.

Mr. Galloway—a bill to amend an act therein named.

Mr. Chapman introduced a bill to extend the jurisdiction of the Supreme Court in criminal cases.

Mr. Howard introduced a bill relating to taxes in the city of Mobile.

Also, in relation to escheats, administrators and guardians;

To prohibit the teaching of slaves to read or write;

To prohibit gambling on steamboats;

In relation to the Coroner of Mobile county.

Mr. Rhodes introduced a bill to alter the commencement of the Spring term of the Circuit Court, in the Eighth Judicial Circuit, for the purpose of allowing an additional week to the county of Pike.

Mr. Beavers introduced a bill to regulate the law in the several Chancery Divisions in this State.

Mr. Lockett—To protect executors, administrators, &c., which were severally read the first time, and the rule being suspended, the same were severally read the second time and referred to the committee on Judiciary.

Mr. Galloway—a bill to amend an act therein named, which was read the first time, and under a suspension of the rule, was read 2nd time and referred to committee on Corporations.

Mr. Clanton of Montgomery introduced a bill to prevent the retail of ardent spirits in Pine Level Beat, in Montgomery county, which was read the first time, and under a suspension of the rule, was read the second and third times forthwith, and the yeas and nays were called.

Yeas 41; nays 24.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Chapman, Clanton of Montgomery, Crawford, Critcher, Cunningham,

Davis, Ellis of Blount, English, Fowler, Galloway, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Lar-kins, McClanahan, Miree, Nicholson, Owens, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Sykes, Thorn, Thornton, White, Williams, Winston and Woolsey—41.

Nays—Messrs. Beck, Bishop, Bradley, Camp, Cochran, Goode, Grubbs, Hancock, Kirkland, Lockett, Maples, Menasco, McConnell, McMullen, Nabors, Peddy, Pynes, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Towles and Ward of Dale—24.

The following message was received from the Governor by his Private Secretary, J. D. Catlin, Jr. :

EXECUTIVE DEPARTMENT, January 28, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the Alabama Manufacturing Company at Selma, is almost in exact conformity with the general law, to be found under the head of private corporations, in the Code, chapter 3, section 1473, and those which follow, with the exception of the amount of stock allowed to be held by the Company—which is two hundred and fifty thousand dollars—being fifty thousand dollars more than are provided for by the general law. This privilege—which may never be exercised—seems to be the only reason for the passage of this special act.

In the various communications I have had occasion to make to your honorable body, I have endeavored to show the bad policy of doing that by special enactment which could be done by an amendment of the general law on the subject, and which would apply equally to all companies of like character desiring to be incorporated. The pernicious as well as expensive results of constant re-enactment of laws already on the statute book, cannot but be apparent.

If it was not proper to amend the general law in reference to incorporations of this kind, so as to allow them to hold a greater amount of stock than was provided for by it, it would have been an easy matter to have attained all the objects of this bill by simply saying, in a special enactment, that the company should be made an exception to the general law in being allowed to hold fifty thousand dollars more of stock than was provided for by the general law.

Unwilling to be a party to such legislation, by giving it my approval, I leave it to the legislative department entirely, and to those who constitute that department, to continue in a system of special legislation which they, in their best judg-

ment, though I do not in mine, may deem it to be for the best interest of the State.

Respectfully,

JOHN A. WINSTON.

The question then recurred upon the passage of the bill.

And the same was passed.

Yeas 61 ; nays 18.

Yeas—Messrs. Speaker, Acree, Barry, Belser, Bishop, Brown of Tuskalooa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, Curry, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Little, Maples, McClanahan, Miree, Nabors, Nicholson, Owens, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Dale, White, Williams, Winston and Woolsey—61.

Nays—Messrs. Beavers, Beck, Bradley, Brown of Marion, Burgess, Davis, Goode, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Peddy, Pynes and Sanford—18.

Mr. Curry moved to take up the message from the Senate in regard to an adjournment. Carried.

Mr. Howard moved to suspend the further consideration of the resolution, to allow committees to report. Lost.

Yeas 33 ; nays 45.

Yeas—Messrs. Barry, Beck, Belser, Bradley, Brown of Tuskalooa, Byrne, Clanton of Montgomery, Cochran, Critcher, Davis, Garleck, Gilmore, Goode, Hobbs, Howard, King, Kirkland, Langdon, Larkins, Lockett, Lynch, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Powell, Reid, Smith of Franklin, Smith of Lauderdale, Thornton, Towles and Ward of Cherokee—33.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Brown of Marion, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Sumter, Crawford, Curry, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hancock, Jackson, Jay, Jones, Maples, Menasco, McClanahan, McMullen, Miree, Moragne, Owens, Pynes, Remson, Rhodes, Sanford, Sheffield, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thorn, Ward of Dale, White, Williams and Winston—45.

Mr. Howard moved to suspend further, to take up the veto

message, lying upon the Clerk's table, and proceeded in some remarks to show the necessity of the course;

When Mr. Speaker Walker made the following point of order :

(Mr. Curry in the chair.)

That it is not in order to discuss a motion to suspend, giving precedence to other business.

The Chair decided Mr. Howard out of order, from which decision Mr. Howard appealed, and called the yeas and nays.

Pending the call of which, the hour of 1 o'clock arrived, and the House stood adjourned until 3 o'clock, this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Powell, the roll was called, and sixty-four members answered to their names.

Messrs. Speaker, Acree, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenrer, Cochran, Curry, Ellis of Blount, Ellis of Benton, Fowler, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Little, Lockett, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Peddy, Pennington, Powell, Pynes, Reid, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Dale, Williams, Winston and Woolsey—64.

Mr. Haden moved to suspend the business before the House, to take up the resolution in regard to adjourning *sine die*, on the 15th February.

Yeas 39 ; nays 27.

The motion was lost, two-thirds not voting in the affirmative.

Yeas—Messrs. Speaker, Alford, Bishop, Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Cochran, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Jay, Jones, Larkins, Little, Maples, McBride, McClanahan, Miree, Owens, Pynes, Remson, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, Ward of Dale, Williams and Winston—39.

Nays—Messrs. Beavers, Beck, Belser, Brown of Tuskaloosa, Byrne, Camp, Critcher, Gilmore, Goode, Howard, Jackson, King, Langdon, Lockett, Lynch, McConnell, McMullen, Mil-

ligan, Peddy, Pennington, Powell, Reid, Sheffield, Smith of Franklin, Towles, Ward of Cherokee, and White—27.

Mr. Beck moved to suspend the business before the House, to allow the select committee on the apportionment to report, which motion prevailed.

And Mr. Beck then made the following report :

The special committee, raised to apportion Representatives among the several counties of the State, and to divided the State into Senatorial districts, have discharged that duty, and instruct me to report the bill herewith, and recommend its passage:

A bill to be entitled an act to apportion Representatives among the several counties in the State, and to divide the State into Senatorial districts, was read, and the constitutional rule being suspended, the same was read the second time forthwith, and made the special order for Thursday the 31st day of February, instant, at the hour of 11 o'clock, A. M., of that day.

On motion of Mr. Smith of Lauderdale 133 copies of said bill was ordered to be printed for the use of the House.

The House then proceeded to the consideration of the veto message of the Governor upon the Senate bill to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

The House refused to pass the bill.

Yeas 35 ; nays 42.

Yeas—Messrs. Speaker, Barry, Belser, Byrne, Carpenter, Chapman, Clanton of Montgomery, Crawford, Critcher, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Grubbs, Haden, Howard, Jackson, Jay, Jones, Langdon, McClanahan, Miree, Nicholson, Owens, Powell, Reid, Smith of Franklin, Staton, Sykes, Thornton, Thorn, White and Woolsey—35.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Burgess, Camp, Fowler, Goode, Graham, Hancock, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Pynes, Remson, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Williams and Winston—42.

Mr. Towles moved to suspend the regular business, to allow committees to report. Carried

Mr. Curry moved to reconsider the vote upon the above motion. Lost.

Mr. Cochran, from the committee on the Judiciary, reported favorably to the bill for the relief of the administrator of Thomas S. Mays, deceased.

And the bill was read the third time, under a suspension of the constitutional rule, and passed.

Also,

Favorably to the bill for the protection of public inn keepers.

Also,

Favorably to the bill authorizing garnishment of private corporations.

Also,

Favorably to the bill to retake the testimony of witnesses in certain cases.

Also,

Favorably to the bill to authorize Thomas C. Brown, to practice law in the several courts of this State.

Also,

Favorably to the bill to authorize one and the same person to hold the office of the Judge of the Court of Probate and Clerk of the Circuit Court of Marion.

Which bills were severally ordered to be engrossed.

Mr. Cochran, from the same committee, reported adversely to the following bills, viz :

A bill for the relief of David Covington of the county of Cherokee.

Moved to lay the report on the table.

Lost.

For the trial and safe keeping of insane persons confined in jail under indictment.

To make Urana Dunn, of the county of Wilcox, a free dealer.

To make Nancy Pearson, of the county of Tallapoosa, a free dealer.

To amend section 2164 of the Code.

Mr. Woolsey moved to lay the report on the table. Lost.

Yeas 33 ; nays 38.

Yeas—Messrs. Barry, Beavers, Bradley, Brown of Marion, Burgess, Camp, Cunningham, Curry, Ellis of Blount, Fowler, Haden, Jackson, Jay, Jones, Little, McClanahan, McMullen, Miree, Moragne, Nicholson, Owens, Reid, Remson, Sanford, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Dale, White, Williams and Woolsey—33.



**Nays**—Messrs. Speaker, Acree, Alford, Belser, Brown of Tuscaloosa, Byrne, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Davis, Galloway, Goode, Graham, Grubbs, Hancock, Howard, King, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McConnell, Milligan, Nabors, Peddy, Powell, Pynes, Rhodes, Sheffield, Smith of Franklin, Taylor of Chambers, Thornton, Towles and Winston—38.

To allow the Clerk of the Circuit Court of *Marshall* county twenty days within which to issue executions, and for other purposes.

To amend section 2304 of the Code of Alabama.

To regulate the collection of claims when the defendant has removed beyond the limits of the county.

*Mr. Taylor of Chambers* moved to lay the report on the table. Lost.

To amend section 1917 of the Code of Alabama.

To regulate publications made by the several Probate Judges in the State of Alabama.

To alter and amend section 2013 of the Code.

*Mr. Lynch* moved to suspend the rule requiring the House to adjourn at 5 o'clock.

Carried.

Regulating the interest on money loaned by guardians for their wards.

Providing for magistrates in the city of Mobile.

Joint resolutions, proposing to amend the constitution so as to extend the jurisdiction of Justices in civil cases, and to make affrays and assaults and batteries triable before them exclusively.

To amend section 1008 of the Code of Alabama, so far as relates to Butler county.

Which adverse reports were severally concurred in.

*Mr. Cochran* moved to suspend the business, &c., to allow him to offer a resolution.

*Mr. Moragne* moved to adjourn.

Lost.

The House suspended business, and *Mr. Cochran* introduced the following resolution:

*Resolved*, That the Assistant Clerk be authorized to employ an assistant, who shall receive four dollars per day for his services.

Amended by *Mr. Clanton*:

That the Engrossing Clerk be authorized to employ an assistant when necessary.

Mr. Cochran, from the committee on the Judiciary, reported adversely to the bill to make Eliza Jane Wood a free dealer.

On motion of Mr. Cochran, the report and bill was laid upon the table.

Mr. Chapman offered the following resolution, which lies over one day under the rule :

*Resolved*, That the following shall be added to the rules of the House :

“On motions to suspend the rule or business before the House, no debate shall be in order, nor shall debate be in order after the call for the previous question shall have been sustained, nor shall any member speak longer than thirty minutes upon any question that may be before the House.”

Mr. Belser, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to which was referred a bill to be entitled an act to amend section 630 of the Code, so as to require Circuit Judges to interchange with each other, and also a bill to be entitled an act to regulate the Circuit Judges of the State in holding their courts, have had both of the said bills under consideration, and have instructed me to report a substitute for both of them to the House, to ask its concurrence in their report, and that the said substitute may be adopted.

The substitute was adopted and ordered to be engrossed.

On motion of Mr. Thornton,

The House adjourned until to-morrow morning at half-past 9 o'clock.

TUESDAY, January 29th, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

On motion of Mr. Staton,

The reading of the Journal was dispensed with.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Powell moved to suspend the call of the counties, to allow him to offer a resolution.

Lost.

Mr. Staton moved to suspend the call of the counties, in order to take up the resolution in regard to fixing a day on which to adjourn *sine die*, and the yeas and nays were called on said motion to suspend.

Carried.

Yeas 37 ; nays 32.

Yeas—Messrs. Speaker, Alford, Beck, *Bishop*, *Bradley*, *Browder*, *Burgess*, *Carpenter*, *Clanton of Sumter*, *Cunningham*, *Davis*, *Ellis of Blount*, *Fowler*, *Grubbs*, *Haden*, *Hancock*, *Jackson*, *Jay*, *Larkins*, *Maples*, *Menasco*, *McBride*, *McClanahan*, *Miree*, *Nabors*, *Pynes*, *Remson*, *Rhodes*, *Sanford*, *Smith of Lauderdale*, *Smith of Randolph*, *Staton*, *Sykes*, *Taylor of Chambers*, *Taylor of Coosa*, *Thornton*, *Thorn and Ward of Dale*—37.

Nays—Messrs. *Acree*, *Barry*, *Belser*, *Brown of Marion*, *Brown of Tuskalooza*, *Byrne*, *Camp*, *Cochran*, *Critcher*, *Gilmore*, *Goode*, *Howard*, *King*, *Kirkland*, *Langdon*, *Little*, *Lockett*, *McConnell*, *McMullen*, *Milligan*, *Nicholson*, *Odem*, *Peddy*, *Pennington*, *Powell*, *Reid*, *Sheffield*, *Smith of Franklin*, *Towles*, *Ward of Cherokee*, *White and Winston*—32.

Said resolution was then taken up.

The question was on concurring in the amendment of the Senate, (striking out the "15th," and inserting the "11th.")

Lost.

Yeas 37 ; nays 39.

Yeas—Messrs. Speaker, Alford, *Beavers*, *Bishop*, *Bradley*, *Brown of Marion*, *Browder*, *Burgess*, *Carpenter*, *Chapman*, *Clanton of Sumter*, *Cochran*, *Cunningham*, *Curry*, *Davis*, *Fowler*, *Grubbs*, *Haden*, *Hancock*, *Jackson*, *Jay*, *Jones*, *Maples*, *Menasco*, *McBride*, *Miree*, *Moragne*, *Nabors*, *Owens*, *Reid*, *Remson*, *Sanford*, *Smith of Lauderdale*, *Smith of Randolph*, *Sykes*, *Taylor of Coosa*, *Thorn and Winston*—37.

Nays—Messrs. *Acree*, *Barry*, *Beck*, *Belser*, *Brown of T.*, *Byrne*, *Camp*, *Critcher*, *Ellis of B't*, *Galloway*, *Gilmore*, *Goode*, *Graham*, *Howard*, *King*, *Kirkland*, *Langdon*, *Larkins*, *Little*, *Lockett*, *Lynch*, *McClanahan*, *McConnell*, *McMullen*, *Milligan*, *Nicholson*, *Odem*, *Peddy*, *Pennington*, *Powell*, *Pynes*, *Rhodes*, *Sheffield*, *Smith of Franklin*, *Staton*, *Thornton*, *Towles*, *Ward of Cherokee*, *Ward of Dale and White*—39.

Mr. Jackson moved to suspend the call of the counties, to take up the following resolution, offered by him :

*Resolved*, That from and after to-day, the House will meet daily, at 10 o'clock, A. M., and adjourn at 1½ o'clock—meet at 3½ o'clock, P. M., and adjourn at 5½ o'clock, P. M., except on Saturdays, when it shall adjourn at 1½ o'clock, P. M.

Amended, by adding, "that this House meet every night, at 7 o'clock, and adjourn at 9 o'clock, excepting Sundays."

Mr. Rhodes moved to lay the amendment on the table, and the yeas and nays were called.

Carried.

Yeas 59 ; nays 21.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Langdon, Little, Lockett, Maples, Menasco, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Peddy, Pennington, Powell, Reid, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston and Woolsey—59.

Nays—Messrs. Brown of Marion, Byrne, Clanton of Sumter, Cochran, Critcher, Gilmore, Goode, Grubbs, Jay, King, Kirkland, Larkins, McConnell, Owens, Pynes, Remson, Smith of Randolph, Staton, Sykes, Taylor of Chambers and White—21.

The hour of 10 o'clock having arrived, for which there was a special order,

Mr. Jackson moved to suspend said special order, to dispose of the resolution.

Carried.

Mr. King moved to amend, by striking out "half-past 1," where it occurs in the resolution.

Mr. Maples moved to amend, as follows :

"Strike out '10,' and insert '9.'"

Mr. Critcher moved the previous question.

The previous question was sustained, and the resolution adopted.

Mr. Chapman moved to suspend the special order, to take up the resolution offered by himself, on yesterday.

Mr. Chapman called the previous question on said resolution, and the yeas and nays were called.

Lost.

Yeas 29 ; nays 44.

Yeas—Messrs. Alford, Bishop, Bradley, Browder, Burgess, Camp, Carpenter, Chapman, Cochran, Critcher, Cunningham, Davis, Ellis of Blount, Fowler, Galloway, Grubbs, Haden, Hancock, Larkins, Maples, Reid, Remson, Smith of Lauderdale, Smith of Randolph, Staton, Ward of Cherokee, Ward of Dale, Williams and Winston—29.

Nays—Messrs. Speaker, Acree, Barry, Beavers, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Sumter, Crawford, Curry, Ellis of Benton, Gilmore, Goode, Graham, Howard, Jay, Jones, King, Kirkland, Langdon,

Lockett, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Odem, Pennington, Powell, Pynes, Rhodes, Sanford, Sheffield, Smith of Franklin, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn and Woolsey—44.

The previous question was not sustained.

Mr. Chapman then, by leave, withdrew the resolution.

Mr. Fowler moved to reconsider the vote by which the House refused to pass, over the Governor's veto, the bill

To prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

Lost.

Yeas 37 ; nays 42.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Byrne, Carpenter, Chapman, Clanton of Montgomery, Crawford, Critcher, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Grubbs, Haden, Hobbs, Howard, Jay, Langdon, McClanahan, Miree, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Smith of Franklin, Sykes, Taylor of Chambers, Thornton, Thorn, White and Woolsey—37.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Camp, Davis, Goode, Graham, Hancock, Jackson, Jones, King, Kirkland, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Pynes, Remson, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, Williams and Winston—42.

On motion of Mr. Cochran,

The House resolved itself into committee of the Whole House, to consider, the bill

To render more efficient the system of Free Public Schools in this State ; Mr. Cochran in the Chair.

After some time spent in deliberation thereon, the committee rose, and reported to the House the bill with amendments, and recommended the adoption of the amendments and the passage of the bill as amended.

Said amendments were adopted.

A message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has reconsidered and passed a House bill—To incorporate the Alabama Manufacturing Company, at Selma, notwithstanding the Executive veto.

To amend an act approved the 15th of February, 1854, and to extend the jurisdiction of the Probate Courts of the several counties in this State.

To incorporate the Hillabee and Goldville Mining Company.

To regulate the proceedings of the Board of County Commissioners in the county of Clark.

To refund money to the "True Blues."

Making an appropriation to pay a certain claim against the State.

To authorize Witham Adamson to erect a dam across the Tallapoosa river, in Chambers county.

To incorporate the Shelby Coal Company.

To change the time of trying the criminal docket of Butler county.

To authorize Marshall B. Smith and Richard H. Brasher, and their associates, to turnpike a certain road therein named.

On motion of Mr. Graham,

The House adjourned until 3 o'clock, this evening.

#### AFTERNOON SESSION.

On motion of Mr. Brown of Tuskaloosa,

The roll was called.

The following members answered to their names :

Messrs. Speaker, Acree, Alford, Beavers, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Cochran, Critcher, Curry, Ellis of Benton, Graham, Grubbs, Haden, Hancock, Jackson, Jay, Jones, King, Langdon, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nicholson, Odem, Peddy, Pennington, Powell, Pynes, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale and Woolsey—58.

Mr. Pennington moved to suspend, to allow committees to report. Lost.

Mr. Byrne moved to suspend, to allow him to introduce a bill ; also, Mr. Carpenter to introduce a bill, and to allow the committee on Propositions and Grievances to report.

Mr. Chapman moved to amend, by adding the committee on Internal Improvements.

The question was then put on the amendment offered by Mr. Chapman.

Lost.

Mr. Curry moved to amend, by allowing the committee on Privileges and Elections to report.

Lost.

The question then recurred upon the motion of Mr. Byrne, and the same was lost.

Mr. Byrne then moved to suspend the regular order, to introduce a bill.

Lost.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Also, laid before the House the report of the Superintendent of Free Public Schools in this State, which, on motion, was referred to a Select committee, composed of three members of this House.

Messrs. Hobbs, Woolsey and Sanford were appointed said committee.

The Senate bill—To make a loan to the Alabama and Mississippi Railroad Company—was read the third time.

Mr. Woolsey moved to amend, by way of engrossed ryder, which was read the first, second and third times. and the bill passed.

Yeas 38 ; nays 34.

Yeas—Messrs. Speaker, Barry, Belser, Bishop, Brown of Tuskalooza, Browder, Byrne, Camp, Chapman, Critcher, Curry, Ellis of Benton, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, McClanahan, McMullen, Miree, Odem, Powell, Reid, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Thorn, Winston and Woolsey—38.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Fowler, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride,\* McConnell, Milligan, Moragne, Nicholson, Peddy, Pennington, Pynes, Sanford, Smith of R., Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Ward of Cherokee and Williams—34.

The hour of 3½ having arrived, for which there being a special order, the House proceeded to the consideration of said special order, it being the House bill to change the boundary of Hancock county and for other purposes, which was read the third time and passed.

Yeas 49 ; nays 19.

Yeas—Messrs. Speaker, Acree, Bishop, Brown of Tuskalooza, Burgess, Camp, Carpenter, Chapman, Clanton of M., Crawford, Critcher, Curry, Ellis of Blount, Ellis of Benton,

Fowler, Galloway, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Langdon, Larkins, Little, Lynch, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Nicholson, Peddy, Pennington, Powell, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Winston and Woolsey—49.

Nays—Messrs. Alford, Barry, Bradley, Brown of Marion, Byrne, Clanton of Sumter, Cunningham, Garleck, Kirkland, McBride, Miree, Odem, Reid, Rhodes, Sanford, Thornton, Thorn, Towles, White and Williams—19.

Mr. Speaker (*Mr. Jackson* in the chair) declared, that as two thirds had voted in the affirmative, the bill had passed.

The last two named bills were ordered to be sent to the Senate forthwith—sent accordingly.

The Senate bill:

To repeal section six of an act to lay off Lauderdale and Cherokee counties into four commissioners' districts, and for other purposes, was read the third time, and,

On motion of *Mr. Smith of Lauderdale*, laid on the table.

Message from the Senate by *Mr. Taul*:

*Mr. Speaker*:

The Senate has originated and passed the Joint Resolutions for printing and distributing the report of the State Geologist.

*Mr. King* moved to suspend the regular order of business to take up the message just received, and the House refused to suspend.

The following Senate bills were severally read the third time and passed:

To authorize the overseers of the Hamburg and Uniontown public road, in the county of Perry, to use timber for said road under certain circumstances;

To prevent the sale of spirituous liquors within one mile and a half of the lot and building known as "Barnes' Store," at Pleasant Ridge, in the county of Greene.

To authorize the court of County Commissioners of Washington to issue bonds to raise money with which to build a jail.

To provide for the electing of County Commissioners in the county of Henry.

To prevent the retail of spirituous liquors in one mile of the Jacksonville Academy, in the county of Mobile, and

To prevent the retail of spirituous or vinous liquors within two miles of the school edifice known as the "Marshall Institute," in the county of Marshall.



To incorporate the Merchants' Mutual Insurance Company, of Montgomery.

Authorizing the Commissioners of Revenue, of the county of Mobile, to erect poor houses.

To prevent the destruction of fish.

To amend the charter of the Huntsville Female Seminary, granted by the Court of Probate of Madison county.

To change the mode of electing county Treasurer for the county of Monroe.

For the relief of A. Moore, tax collector of Lowndes county.

To amend the charter of the Montgomery and West Point Railroad Company.

For the relief of Jane Cothran, of Perry county.

To establish a Medical Board in Chambers county.

To amend section 8th of an act to incorporate the Alabama Dragoons, and Montgomery Riflemen, approved the 18th of February, 1854 ; and

To pay the Montgomery Riflemen for tents, accoutrements and camp equipages, as provided in said section.

To authorize the conferring of diplomas at the Southern Military Academy, of Chambers county.

On motion,

The House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, January 30, 1856.

The House met pursuant to adjournment.

On motion of Mr. Camp,

The reading of the Journal was dispensed with.

#### PROTEST:

The undersigned deem it unnecessary to state particularly all the reasons that induced them to vote against the bill, cutting off a large portion of Franklin and adding to Hancock county, but will rest satisfied with saying, it will be of great injury to the county of Franklin, and in opposition to the interests and wishes of a large majority of the citizens of the county. Believing this, we protest against the passage of said bill, and ask that this protest be entered on the journals of this House.

L. B. THORNTON,  
THOS. THORN.

Mr. Powell, from committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, to whom was referred the following bills, have examined the same, and beg leave to report them as correctly enrolled :

A bill to be entitled an act to authorize Thomas Thom & Son, of Franklin county, to erect a certain dam therein named.

A bill to be entitled an act to regulate the pay of the sheriff and clerk of Benton county.

A bill to be entitled an act to consolidate the offices of Tax Collector and Assessor for the county of Hancock.

A bill to be entitled an act to divorce Thos. D. Broadway from his wife, R. Minty Broadway.

A bill to be entitled an act for the relief of John Neblett.

A bill to be entitled an act for the relief of the purchasers and heirs of the estate of Arthur Fant, deceased.

A bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Monroeville, and within two miles of Philadelphia Church, in Monroe county.

A bill to be entitled an act to regulate Sheriffs' and Coroners' sales in St. Clair county.

A bill to be entitled an act to amend an act to repeal in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others.

A bill to be entitled an act to prevent more effectually the commission of the offences of burglary and theft in this State.

A bill to be entitled an act to lay off the county of Jefferson into four Commissioners' Districts.

A bill to be entitled an act to repeal in part an act entitled an act to incorporate the Pickens DeKalb Minute Men.

A bill to be entitled an act to increase the pay of the County Court Commissioners of the county of Franklin.

Mr. Sanford, from the same committee, made the following report:

The committee on Enrolled Bills to which was referred the following bills, have examined the same, and instruct me to report the same as correctly enrolled:

An act to incorporate the Commerce Street Hotel Company of Montgomery.

An act for the relief of Elisha J. Green, of the county of Tallapoosa.

An act to allow executors and administrators discretionary powers in certain cases.

An act to repeal certain acts regulating Justices' Courts in the county of Randolph.

An act to divorce Daniel Cannon from his wife Jane Cannon.

An act to incorporate the Male College at Auburn, Macon county.

An act to divorce William B. Wilson from his wife Sarah J. Wilson, and to divorce other persons therein named.

Mr. Portis, from the same committee, made the following report :

The committee on Enrolled Bills to which was referred the following bills, have examined the same, and instruct me to report them as correctly enrolled :

An act for the relief of certain persons therein named.

An act to change section 985 of the Code.

#### PROTEST:

The undersigned, a member of the House of Representatives from the county of Marion, who voted in the negative on the passage of a bill to 'change the boundary of Hancock county,' begs leave to have the following protest spread upon the journals. He protests against its passage—

1st. Because it makes a difference in the centre of the county, and will harrass the people by agitating anew the question of the seat of justice, and probably add heavily to the county taxation, already oppressive to the poor citizens.

2d. Because while it will increase taxation, it will diminish the means of the county by cutting off some of her best and wealthiest citizens.

3d. Because it violates sound policy in disturbing settled questions, and rendering uncertain the value of a large amount of real estate.

4th. Because the undersigned believes it was approved by all his constituents.

KIMBRO T. BROWN.

Mr. Thornton moved to suspend the regular order of business to allow him to introduce the following resolution.

The yeas and nays were called. Yeas 42 ; nays 36.

Yeas—Messrs. Barry, Beck, Belser, Brown of Marion, Brown of Tuskalooza, Browder, Byrne, Carpenter, Clanton of Montgomery, Critcher, Cunningham, Curry, Galloway, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Kirkland, Langdon, Larkins, Little, McBride, McClanahan, McConnell, McMullen, Milligan, Nabors, Odem, Owens, Peddy, Pennington, Powell, Reid, Remson, Rhodes, Smith of Franklin, Sykes, Thornton, Thorn and Woolsey—42.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Bradley, Burgess, Camp, Clanton of Samter, Cochran, Davis, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Gilmore, Goode, Grubbs, Lockett, Lynch, Maples, Meffasco, Moragne, Pynes, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, Williams and Winston—36.

## JOINT RESOLUTIONS.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened :*

1. That in all questions arising under the Constitution of the United States, that instrument must be strictly construed.

2. Stern and unswerving devotion to the Union under the Constitution as it is ; and unceasing resistance to all factious and sectional attempts, emanate from whence they may, to weaken its bonds.

3. Congress has no power, under the Constitution, to legislate upon the question of Slavery in the States, where it exists.

4. Congress has no power, under the Constitution, to exclude from admission into the Union any State, because its Constitution recognizes or prohibits Slavery. In the event that Congress shall exercise power thus unauthorized, Alabama stands pledged to resist such action, even to a disruption of the Union.

5. Congress cannot abolish Slavery in the District of Columbia, without a violation of good faith with the Slave States which ceded said District, which is equivalent to an infraction of the Constitution, and which demands from the South the same resistance. The Fugitive Slave Law must be maintained and rigorously enforced. Congress shall not pass any law or regulation touching the question of slavery in the Territories. A strict adherence to the principles and views of the foregoing sections is absolutely essential to the peace and prosperity of the Union, and the people of this Commonwealth are earnestly recommended not to affiliate with a party, nor support any man for office under the government of the State or of the United States, who does not publicly and unequivocally avow and maintain the principles herein embraced.

6. All foreigners who have come to this country under the guaranties of our laws, and have been properly and legally naturalized according to existing forms, are fully and legally entitled to all the civil and religious privileges conferred by our Constitution and laws, and shall be fully and effectually protected in them.

7. A radical change in the Naturalization laws is required by the exigencies of the country, so as to affect all foreigners coming into the country after its enactment, and to prevent the transportation and immigration of paupers and criminals of other countries.

8. Americans are better qualified to govern and give laws to America than foreigners.

9. Entire religious liberty, holding that all men have a right to worship God according to their own consciences. The people of Alabama will maintain a strict separation of Church and State, and oppose all *higher law* men, whether Papal or Protestant, native or foreign born, and that all men, who hold, or acknowledge a right to violate the Constitution, under any pretence of civil privileges or religious belief, or whose allegiance to the Constitution is subject to be absolved by any foreign power on earth, are wholly unfit to hold office in this Republican country.

10. Practical economy in the administration of public affairs, State and Federal.

11. Purity of the ballot-box and peace at elections, the right of each citizen to his political opinions being inalienable.

12. Alabama will rigidly maintain, in spirit and in substance, the principles embodied in the Georgia platform of principles of 1850.

13. Alabama will support and defend the principles embraced in the "Kansas-Nebraska act," except the proviso which authorizes unnaturalized foreigners to vote in said Territories.

14. Opposition to the policy of granting lands to unnaturalized foreigners in the Territories.

15. That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all honorable means to modify our Naturalization laws, according to the principles embodied in the foregoing resolutions, offering friendly protection to the honest immigrant; that they extend the time of naturalization, so that foreigners shall be able to speak our language and become acquainted with our institutions, before being admitted to citizenship, and that they repeal all laws making grants, in future, to unnaturalized foreigners, and so to provide, the native Americans shall retain the power of administering the government.

16. *Resolved*, That a copy of the foregoing resolutions be sent to our Senators and Representatives in Congress, to lay before their respective Houses.

Mr. Langdon moved to amend as follows, viz :

1st. *Be it further resolved*, That it is the deliberate opinion of the General Assembly, that the doctrine of "squatter sovereignty," as advocated by a portion of our brethren of the free States of the Union, is an insidious and dangerous attack upon the institutions of the South, as indefensible in principle and dangerous in practice as the "Wilnot Proviso," the most

monstrous doctrine ever advocated by an American statesman, and we of the South will never submit to it.

2d. *Be it further resolved*, That in the opinion of the General Assembly, Congress has no right to legislate upon the subject of Slavery; that the Territories are the common property of all the States, and the people of the States have the right to enter upon and occupy those Territories, and we are protected by the flag of the country; that Congress has no right to legislate slavery into, nor exclude it from the Territories, nor has a Territorial legislature any right to legislate upon that subject, except so far as it may become necessary to protect the citizens of the Territory in the enjoyment of their property.

3d. *Be it further resolved*, That a copy of these resolutions be forwarded to each of our Senators and Representatives, in Congress of the United States.

Mr. Jones moved to lay the joint resolutions and amendment just read upon the table.

Mr. Curry moved to postpone the further consideration of the joint resolutions and amendment until Friday afternoon, and that they be made the special order for 3½ o'clock.

Mr. Powell moved to amend as follows: and print 133 copies.

Mr. Thornton called for a division of the question, and the question was first put on printing. Carried.

The question then was on postponement till Friday next. Carried.

Mr. Howard moved to suspend all special orders, to allow the committee on Education to make a report.

The yeas and nays were called.

Yeas 29; nays 43.

Yeas—Messrs. Byrne, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Fowler, Galloway, Grubbs, Hobbs, Howard, Langdon, Larkins, McBride, Milligan, Miree, Nicholson, Owens, Pennington, Pynes, Remson, Sanford, Smith of Franklin, Sykes, Taylor of Mobile and White—29.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Critcher, Ellis of Blount, English, Garleck, Gilmore, Haden, Hancock, Jackson, Jay, Jones, Kirkland, Lockett, Lynch, Maples, Menasco, McClanahan, McConnell, McMullen, Peddy, Reid, Rhodes, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Woolsey and Winston—43.

Mr. Cochran then moved to postpone the special order, it being the bill to regulate the rate of Interest in this State, till Monday next, at 11 o'clock.

Mr. Clanton of Montgomery moved to postpone till the 9th day of February. Lost.

The question then recurred on the motion of Mr. Cochran. Carried.

Mr. Howard introduced the following rule, which lays over one day :

*Resolved*, That the rules of this House be amended by adding the following :

Reports from Standing committees shall be in order immediately after the reading of the Journal, on every morning, and this rule shall not be suspended, unless by a vote of four-fifths of the House.

Mr. Taylor of Mobile offered the following rule, which lays over one day :

That it shall not be in order for any member, during the remainder of the present session, to move to suspend the rules, or regular order of business before the House for any purpose.

And, that all business before the House shall, hereafter, be called in its regular course and disposed of according to the rule prescribed.

The House then proceeded to the consideration of the next special order, it being the bill

Requiring the Supreme Court of Alabama to take jurisdiction of appeals in certain cases therein mentioned.

The question being upon laying the report on the table, the motion was sustained.

Yeas 48 ; nays 23.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Byrne, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, English, Fowler, Galloway, Garleck, Haden, Howard, Jay, Little, Lockett, McClanahan, McMullen, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Powell, Reid, Rhodes, Sanford, Sheffield, Smith of Franklin, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, White, Williams and Winston—48.

Nays—Messrs. Belser, Bishop, Camp, Carpenter, Curry, Ellis of Blount, Goode, Grubbs, Jackson, King, Larkins, Lynch, Maples, Menasco, McBride, McConnell, Milligan, Pynes, Remson, Smith of Lauderdale, Smith of Randolph, Staton and Sykes—23.

And the bill was ordered to be engrossed.

The House then proceeded to the consideration of the next special order, it being the bill to make a loan to the Mobile and Girard Railroad Company.

Mr. Belser moved to amend by a substitute, as follows, viz :

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twenty-five thousand dollars, out of any moneies in the Treasury not otherwise appropriated, be, and the same is hereby loaned to the Mobile and Girard Railroad company ; seventy-five thousand dollars to the Alabama and Florida Railroad Company, to be expended between Montgomery and Greenville ; seventy-five thousand dollars to the Mississippi, Gainsville and Tuskaloosa Railroad Company ; and seventy-five thousand dollars to the Wills Valley Railroad Company, payable to the State on the 1st February, 1860, bearing six per cent. interest, payable semi-annually in the city of New York, or elsewhere, as the Governor may direct.

SEC. 2. *Be it further enacted* That as security for said loan, said Railroad companies, shall each of them, give personal security, to be approved of by the Governor, for a sum not less than one hundred thousand dollars, and such other security as the Governor may think proper to require : *Provided* nothing herein contained shall be so construed as to prevent any company from paying the whole or any part of said loan before the first day of February, 1860.

Mr. Lynch moved to amend as follows :

Amend by inserting " that the personal security required by this bill shall be in the nature of mortgage upon the property real and personal of the securities."

Said amendment was adopted.

Yeas 41 ; nays 41.

Yeas—Messrs. Speaker, Barry, Belser, Bishop, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Galloway, Harden, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, Maples, McClanahan, McMullen, Odem, Peddy, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Winston and Woolsey—41.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Ellis of Benton, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Moragne,



Nabors, Nicholson, Owens, Pennington, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thorn, Towles, Ward of Cherokee, Ward of Dale, White and Williams—41.

And the bill was ordered to be engrossed.

Yeas 41 ; nays 39.

Yeas—Messrs. Speaker, Barry, Belser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Camp, Cochran, Crawford, Curry, Critcher, Davis, Ellis of Blount, Ellis of Benton, English, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, McClanahan, McMullen, Miree, Nicholson, Odem, Powell, Reid, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Winston and Woolsey—41.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Moragne, Nabors, Owens, Peddy, Pennington, Pynes, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White and Williams—39.

The House then proceeded to consider the joint resolutions of the General Assembly of the State of Alabama, providing for the call of a convention.

And the same, with the substitute therefor, were ordered to be engrossed.

The next special order, the bill to regulate the sale of spirituous liquors in the county of Morgan, was then considered.

And on motion of Mr. Sanford, postponed until Tuesday next, the 5th instant, and made the special order for half past 3 o'clock of that day.

The House then proceeded to the next special order—the bill making appropriations for the fiscal years 1856 and 1857.

The same was read.

Mr. Cochran moved to amend as follows :

“ To the Private Secretary of the Governor ; and he shall be public librarian and keeper of the Capitol and grounds, under the direction of the Governor, and shall give bond in the sum of five thousand dollars for the faithful performance of his duties.”

Said amendment was adopted.

Yeas 56 ; nays 18.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Belser, Browder, Byrne, Camp, Carpenter, Clanton of Mont'y, Clanton of

Sumter, Cochran, Crawford, Cunningham, Curry, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Langdon, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Nabors, Nicholson, Peddy, Pennington, Powell, Pynes, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Sykes, Taylor of Chambers, Taylor of Coosa, Towles and Winston—56.

Nays—Messrs. Beavers, Bishop, Bradley, Burgess, Critcher, Ellis of Blount, Jay, McClanahan, Miree, Moragne, Reid, Sanford, Smith of Randolph, Staton, Thornton, Thorn, Ward of Cherokee, and Ward of Dale—18.

Mr. Winston moved to amend as follows :

“To the Assistant Clerk and Engrossing Clerk of the House, and the Assistant Secretary of the Senate, each the sum of six dollars per day, and to the Door-keeper of each House, the sum of five dollars per day.”

Adopted.

Mr. Clanton moved to amend by striking out “one hundred and fifty” and inserting “five hundred.”

Lost.

Also,

To amend by striking out “one hundred and fifty dollars” and inserting “three hundred dollars,” and the yeas and nays were demanded.

Lost.

Yeas 25 ; nays 42.

Yeas—Messrs. Speaker, Acrec, Beck, Belser, Bishop, Browder, Camp, Clanton of Montgomery, Critcher, Curry, Garleck, Howard, Jackson, Kirkland, Langdon, Lockett, Lynch, Moragne, Peddy, Pennington, Remson, Smith of Lauderdale, Smith of Randolph, Towles, Ward of Dale, and Woolsey—25.

Nays—Messrs. Alford, Beavers, Bradley, Burgess, Carpenter, Clanton of Sumter, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Hobbs, Jones, King, Larkins, Little, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Nicholson, Odem, Owens, Pynes, Reid, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, and Williams—42.

Mr. Jackson moved to amend as follows :

“To the Comptroller twenty cents per foolscap page, as authorized by section 439 of the Code, for copying the land reg-

isters, estimating each written page of the registers, as equal to two foolscap pages."

Adopted.

Mr. Beck moved to amend as follows :

SEC. 5. *Be it further enacted* That the Clerks and Secretaries and Door-keepers of each House shall be entitled to their regular pay during the recess of the Legislature.

Adopted.

Yeas 50 ; nays 19.

Yeas—Messrs. Speaker, Acree, Barry, Barry, Beavers, Beck, Belser, Bishop, Browder, Byrne, Camp, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, English, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Kirkland, Langdon, Little, Lynch, Maples, McBride, McClanahan, Milligan, Odem, Peddy, Pennington, Powell, Pynes, Remson, Rhodes, Sheffield, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Winston and Woolsey—50.

Nays—Messrs. Bradley, Brown of Marion, Burgess, Cunningham, Garleck, King, Larkins, Menasco, McConnell, McMullen, Moragne, Reid, Sanford, Smith of Franklin, Staton, Sykes, Towles, Ward of Cherekee, and Williams—19.

On motion of Mr. Jackson, the constitutional rule was suspended, and the said bill, as amended, was read the third time and passed.

Yeas 58 ; nays 13.

Yeas—Messrs. Speaker, Acree, Beck, Belser, Bishop, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Langdon, Little, Lockett, Lynch, Maples, McBride, McClanahan, Milligan, Morange, Nabors, Odem, Peddy, Pennington, Pynes, Remson, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Winston and Woolsey—58.

Nays—Messrs. Beavers, Bradley, Brown of Marion, Burgess, Critcher, Larkins, Menasco, McConnell, McMullen, Miree, Reid, Sanford, Staton and Sykes—13.

Mr. Thornton, moved to suspend the rule requiring the House to adjourn at half past three o'clock, P. M.

The House then proceeded to the consideration of the next special order—the bill establishing annual sessions of the Leg-

islature of Alabama, fixing the commencement and limiting the term thereof.

Mr. Speaker Walker (Mr. Curry in the chair) moved to lay the bill on the table, which motion was lost.

Yeas 24 ; nays 55.

Yeas—Messrs. Speaker, Beck, Brown of Marion, Browder, Cochran, Gilmore, Hancock, Hobbs, Jay, Lynch, Maples, Menasco, McMullen, Miree, Pennington, Powell, Reid, Smith of Randolph, Taylor of Chambers, Towles, Ward of Cherokee, Ward of Dale, Williams and Winston—24.

Nays—Messrs. Acree, Alford, Belser, Bishop, Bradley, Burgess, Byrne, Camp, Carpenter, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Garleck, Goode, Grubbs, Haden, Howard, Jackson, Jones, King, Kirkland, Langdon, Larkins, Little, Lockett, McBride, McClanahan, McConnell, Milligan, Moragne, Nicholson, Odem, Peddy, Pynes, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, White and Woolsey—55.

The hour of half past 1 o'clock arrived, and the House stood adjourned until half past 3 o'clock, this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The Senate bills :

To repeal all laws and parts of laws incorporating the town of Russelville, in the county of Franklin;

To authorize the holding of additional terms of the Chancery Court in Cherokee, Benton and Talladega counties, approved February 17, 1854 ;

Were severally read the third time and passed.

The House bill :

For the further security and protection of the State in Railroad loans, was read the third time and passed.

Engrossed bills :

The engrossed bill to make the Circuit Court Judges rotate throughout the State ;

To authorize one and the same person to hold the office of Judge of the Court of Probate and Clerk of the Circuit Court of the county of Marion ;

To authorize Thomas C. Brown to practice law in the several courts of this State ;

To retake the testimony of witnesses in certain cases;

Authorizing the garnishment of private corporations ;

Were severally read the third time and passed.

The engrossed bill, for the better protection of public inn-keepers, was read the third time.

Mr. Brown of Tuskaloosa moved to amend by way of engrossed ryder, as follows :

Provided the provisions of this act shall apply only to hotels or inns situated in cities.

Said engrossed ryder was adopted, and read first, second and third times, and the bill, as amended, was passed.

Yeas 63 ; nay 12.

Yeas—Messrs. Acree, Alford, Barry, Bernhard, Beck, Belser, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp. Chapman, Clanton of Montgomery, Clanton of Sumter, Curry, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King. Langdon, Larkins, Little, Lockett, Lynch, Maples, McBride. McMullen, Milligan, Mirce, Nabors, Nicholson, Odem, Peddy, Pennington, Powell, Pynes, Remson, Rhodes, Sanford. Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles. Ward of Cherokee, Ward of Dale, White, Williams, Winston and Woolsey—63.

Nays—Messrs. Beavers, Bishop, Brown of Marion, Critcher, Goode, Jackson, McClanahan, McConnell, Moragne, Sheffield, Smith of Franklin, and Taylor of Coosa—12.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills with the following titles :

To authorize the consolidation of the Stock of the Atlanta and LaGrange Railroad Company, and of the West Point and Tennessee River Railroad Company, of the State of Alabama. and for other purposes therein named.

To legalize the proceedings of the Commissioners' Court of Henry county.

To amend section 1186 of the Code.

To authorize C. W. Cottingham, of Lowndes county, to make out and substitute a new docket, and for other purposes.

To confirm a contract, heretofore made, for building a court house in the county of Coosa.

To amend the charter of the West Point, Georgia, and Tennessee River Railroad Company.

To regulate the sale of spirituous liquors in precinct No. 5, in Shelby county.

Also, House bills :

To repeal in part an act relating to Justices' courts, and for other purposes in certain counties therein named.

To legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes.

To regulate the number of Grand Jurors in the county of Marion.

Authorizing auction sales in the county of Cherokee.

To change the time of holding the winter term of the Chancery Court for Cherokee county.

To change the time of holding the Chancery Court for Wilcox county.

To incorporate the Calhoun Literary Society of Somerville, Morgan county.

To incorporate the Pickens and Noxuba (Miss.) Railroad Company.

To authorize the Comptroller of Public Accounts to purchase a fire proof safe.

To incorporate the Spring Hill Male and Female Academy, in Marengo county.

To consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county.

To repeal an act therein named.

To compensate the Commissioners of Roads and Revenue of the county of Cherokee, county.

To authorize the dismissal of suits in Chancery in vacation.

To amend the road laws in Cherokee.

To provide for the payment of Jurors in Choctaw county.

To authorize the election of an additional Constable in beat No. 6, in the county of Coffee.

To authorize the Mississippi, Gainsville and Tuskaloosa Railroad Company to issue mortgage bonds and to dispose of the same.

To authorize the Commissioners' Court of Pike county to appoint one or more assistant surveyors in said county.

Amendatory of an act to charter the Wills Valley Railroad Company.

The Senate has also rejected the following House bills :

To prevent the failure of a Chancery Court in consequence of the Chancellor not attending on the first or third days of \_\_\_\_\_.

To amend section 3249 of the Code.

To amend the statute of limitations in this State.

To authorize the appointment of Receivers in Chancery in vacation.

To amend section 778 of the Code.

To amend an act establishing jury trials in Justices' courts in the county of Walker.

To authorize process of garnishment in certain cases.

A Senate bill :

To incorporate the North Alabama Insurance Company, at Huntsville.

The bill for the endowment of the Graffenberg Medical Institute was read the second time.

Mr. Clanton of Montgomery moved to postpone the consideration of the bill until the 6th of February.

Lost.

Mr. Fowler moved to lay the bill on the table, which motion prevailed.

The bill to provide a remedy for Clerks of the Circuit Court against Sheriffs and Coroners, was read the second time and referred to the committee on the Judiciary.

The joint resolutions in relation to loaning and appropriating money out of the State Treasury, was read the second time.

Mr. Smith of Lauderdale moved to refer the same to the committee on Ways and Means.

Yeas 36 ; nays 44.

Yeas—Messrs. Alford, Barry, Bernhard, Belser, Bishop, Bradley, Browder, Burgess, Byrne, Camp, Clanton of Sumter, Crawford, Cunningham, Ellis of Blount, Ellis of Benton, Galloway, Grubbs, Hancock, Jones, Kirkland, Larkins, Little, Lynch, Maples, McConnell, Powell, Pynes, Rhodes, Remson, Sanford, Smith of Franklin, Staton, Taylor of Chambers, Thorn, Towles and Winston—36.

Nays—Messrs. Speaker, Acree, Beck, Brown of Marion, Brown of Tuscaloosa, Clanton of Montgomery, Critcher, Curry, Davis, English, Fowler, Garleck, Gilmore, Haden, Hobbs, Howard, Jackson, Jay, King, Lockett, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Peddy, Pennington, Reid, Sheffield, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Ward of Cherokee, Ward of Dale, White, Williams and Woolsey—44.

Mr. Byrne moved to reconsider the vote by which the House refused to refer the resolutions to the committee on Ways and Means.

Lost.

Yeas 39 ; nays 48.

Yeas—Messrs. Bradley, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham,

Ellis of Blount, Ellis of Benton, Fowler, Garleck, Gilmore, Grubbs, Hancock, Kirkland, Little, Lockett, Lynch, Menasco, McConnell, Miree, Nabors, Peddy, Pynes, Sanford, Taylor of Chambers, Williams and Winston—29.

Nays—Messrs. Speaker, Alford, Barry, Beavers, Bernhard. Beck, Belser, Bishop, Brown of Tuskalooza, Browder, Crawford, Critcher, Curry, Davis, English, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Maples. McBride, McClanahan, McMullen, Milligan, Moragne, Odem. Pennington, Powell, Reid, Remson, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White and Woolsey—48.

Mr. Beck moved to amend as follows :

By striking out all that part of the joint resolutions occurring after the words “until after the Session be closed,” where they first occur.

Mr. Belser moved the previous question.

The previous question was sustained.

Yeas 43 ; nays 38.

Yeas—Messrs. Speaker, Bernhard, Belser, Bishop, Bradley, Browder, Byrne, Camp, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, Maples, McBride, McClanahan, McMullen, Moragne, Nicholson, Odem, Powell, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Woolsey.—43.

Nays—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown of Marion, Burgess, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Fowler, Garleck, Gilmore, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco. McConnell, Milligan, Miree, Nabors, Peddy, Pennington, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale. White, Williams and Winston.—38.

The resolutions was ordered to be engrossed.

Yeas 44 ; nays 37.

Those who voted in the affirmative, are :

Messrs. Speaker, Belser, Bradley, Bishop, Brown of Tuskalooza, Browder, Byrne, Camp, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Little, Maples, McClanahan, McMullen, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Sanford, Sheffield, Smith of



**Franklin, Smith of Lauderdale, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston.—44.**

**Those who voted in the negative, are :**

**Messrs. Acree, Alford, Barry, Beavers, Beck, Brown of Marion, Burgess, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Fowler, Garleck, Gilmore, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Miree, Nabors, Peddy, Pennington, Sykes, Smith of Randolph, Taylor of Mobile, Taylor of —, Towles, Ward of Dale, Williams and Winston.—37.**

**Mr. Sanford from the committee on Enrolled Bills, made the following report :**

**The committee on Enrolled Bills, to which was referred the following bills, have examined the same and instruct me to report the same as correctly enrolled :**

**An Act—**

**To regulate the proceedings of the Board of County Commissioners in the county of Clarke ;**

**An Act—**

**To establish a board of Physicians in the town of Newton, Dale county ;**

**An Act—**

**Exempting the citizens of the town of Columbiana, from working on public roads except within the corporate limits thereof ;**

**An Act—**

**To incorporate the Fulton Male Academy, in Dallas county ;**

**An act—**

**To divorce Mary E. Green from her husband Rufus Green, and other persons therein named ;**

**An Act—**

**To authorize the Sheriff of Sumter county to summon Bailiffs in certain cases ;**

**An Act—**

**To refund money to the True Blues ;**

**An Act—**

**To incorporate the Hillabee and Goldsville Mining Company ;**

**An Act—**

**To authorize the Administrators of R. A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer time than one year ;**

**An act—**

To prevent the burning of forests worked for turpentine;  
An Act—

To divorce Hulda Johnson from her husband Spencer Johnson, and other persons therein named ;

An Act—

To amend an act, to fix the boundary line between the counties of Cherokee and Benton.

The bill for the relief of James Scales, was read the second time and ordered to be engrossed.

Mr. Davis moved to suspend the regular order of business to make a report from the committee on Sixteenth Sections.

The House refused to suspend.

The amendment of the Senate to the House bill for the relief of Hosia Lecroy, of Coosa county, was concurred in.

The Senate bill :

To increase the Salary of the Secretary of State, was read the third time and lost.

The Senate bills :

To incorporate the Alabama Roofing Slate Company ;

To authorize the Court of County Commissioners' of Franklin county, to make appropriations for the relief of certain persons therein named ;

To incorporate Society Hill Male Academy ;

For the relief of James J. Sublett ;

To incorporate the Alabama Coal Mining Company ;

To regulate the sale of spirituous liquors in Harrell's or Cross Roads Beat, in Dallas county ;

To incorporate Fort Deposit Academy, in Lowndes county.

To amend an act, approved 17th February, 1854 ;

To provide for the investment and safe keeping of estates and money in certain cases therein mentioned ;

Fixing the time of holding certain Courts therein named ;

To allow the Probate Judge of Montgomery county, to take jurisdiction of the estate of Ann Eliza Witherspoon, deceased, of Greene county ;

The joint resolutions of the General Assembly of the State of Alabama :

To amend an act to authorize and regulate the business of Banking, approved 12th February, 1850 ;

Were severally read the first time and ordered to a second reading.

The House concurred in the amendments of the Senate to the following House bills, viz :

To incorporate the Elba Insurance Company, of Coffee county, Alabama.

The Senate bills :

To incorporate the Southern Female College ;

To incorporate the Cedar Bluff Transportation Company ;

Giving liens to livery stable keepers in Mobile county ;

For the relief of Obediah Milner, of Tallapoosa county ;

To grant the right of way to the Memphis and Charleston Railroad Company, to extend their road from Stephenson, in Jackson county, in this State, to the Tennessee line ;

Amendatory of an act to amend the act incorporating the town of Athens, approved January 15th, 1828 ;

Were severally read the first time and ordered to a second reading.

The hour of half past 5 o'clock having arrived, the House stood adjourned until half past 10 o'clock to-morrow morning.

THURSDAY, January 31, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Carpenter moved that the reading of the Journal be dispensed with.

Carried.

Mr. Taylor of Mobile moved to suspend the special order, to take up the rule offered by him on yesterday.

Mr. Brown of Marion moved to lay the rule on the table.

Lost.

Mr. Fowler moved to amend.

Carried.

Mr. Pennington moved to postpone the consideration of this rule, to allow committees to report.

Carried.

Mr. Cochran from the committee on the Judiciary, reported favorably to the following bills, viz :

To compensate Jurors trying the right of property before Justices' of the Peace ;

To improve the Supreme Court Library ;

To compel witnessess to testify in foreign suits ;

Which bills were severally ordered to a third reading.

Mr. Belser, from the committee on the Judiciary, reported adversely to the bill for the relief of the children of Early Lyon, late of Chambers county.

Said report was concurred in.

Also, favorably to the following bills, viz :

To regulate the distribution of property in certain cases ;

To authorize the issuance of writs of attachments out of the Courts of Chancery ;

Said bills were severally read and ordered to be engrossed.

Mr. Sanford, from the committee on Enrolled bills, reported the following bills as correctly enrolled, viz :

An Act—

To change the manner of appointing overseers of roads in Walker and Marion counties ;

An Act—

To incorporate the LaGrange and Oxford Railroad Company ;

An Act—

To regulate the number of Grand Jurors in the county of Marion ;

An Act—

To regulate the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

An Act—

To remove the administration of the estate of R. L. Scott, late of Texas, deceased, from the county of Autauga to the county of Montgomery ;

An Act—

To change the time holding the Winter term of the Chancery Court for the county of Cherokee ;

An Act—

To incorporate the Calhoun Literary Society of Summerville, Morgan county ;

An Act—

To authorize the Mississippi, Gainesville and Tuskaloosa Railroad Company, to issue mortgage bonds and dispose of the same ;

To incorporate the Selma and Tuskaloosa Telegraph Co. ;

Authorizing the Commissioners' Court of the county of DeKalb, to re-convey land in a certain case ;

To change the time of holding the Chancery Court of Wilcox county ;

Amendatory of an act to charter the Willis Valley Railroad Company, approved February 3, 1852 ;

To authorize Susan Lee, to erect two gates on the Pipkins' Ferry and Livingston road ;

An act to amend the criminal law.

Mr. Cochran by leave offered the following resolution, viz :

*Resolved*, That three members of the committee on the Judiciary, and three on the committee on Corporations, have leave to act.

Said resolution was adopted.

Mr. Taylor of Mobile was added to the committee on the Judiciary in place of Mr. Pryor.

Mr. Nabors from the committee on the Judiciary, to whom was referred the bill in relation to the duties of Grand Jurors, reported back the same amended.

The amendment was adopted, and the bill as amended was ordered to be engrossed.

Mr. Winston from the committee on Ways and Means, to which was referred the bill to increase the amount of tax on peddling in the county of Pike, reported favorably to the same.

Mr. Nicholson moved to amend by striking out "two hundred and fifty" where it occurs, and inserting "five hundred."

Also,

To strike out "one hundred and fifty" where it occurs, and insert "three hundred."

Also,

To strike out "one hundred" where the same occurs, and insert "one hundred and fifty."

Said amendments were severally adopted, and the bill as amended was ordered to a third reading.

Mr. Winston, from the same committee, reported adversely to the bill to authorize Samuel B. Anthony, to peddle in the county of Butler, free of any taxes or charges.

Said report was concurred in.

Also,

Adversely to the bill to reduce the tax on pedlars in Marshall and Blount counties.

Mr. Critcher moved to lay the report on the table.

Lost.

The report was concurred in.

Also, from the same committee, to whom was referred the resolution to inquire into the expediency of changing the present mode of assessing and collecting the taxes, reported a bill thereon to be entitled an act, altering the mode of assessing and collecting the taxes in certain counties, which was read and ordered to a second reading.

Mr. Brown of Tuskaloosa moved to reconsider the vote by which the House refused to order to a second reading, the bill to increase the salary of the Secretary of State.

Mr. Carpenter moved to postpone the consideration of said motion until next Tuesday at 10 o'clock, A. M.

Mr. Towles from the committee on Ways and Means, re-

ported favorably to the bill to regulate the license of pedlars in Chambers county.

Said bill was ordered to be engrossed.

Also, favorably to the bill to amend the 17th paragraph of section 397 of the Code.

Said bill was ordered to a third reading.

Mr. Sykes, from the committee on Ways and Means, reported favorably to the bill for the relief of William Conoway, Tax Collector of Coosa county.

Said bill was ordered to be engrossed.

Mr. Milligan, from the same committee, reported adversely to the bill to regulate the taxes for the years 1856 and 1857.

Said report was concurred in.

Also, favorably to the bill to regulate the amount of taxes to be collected on the sale of property at auction.

Mr. Thornton moved to lay said bill and report on the table.

Carried.

And the bill and report was so ordered.

Also, adversely to the memorial in reference to the tax on salaries.

Mr. Langdon moved to re-commit the bill to the same committee, with instructions to report a bill in conformity with the petitions, which motion was lost.

The report was concurred in.

The House then proceeded to the consideration of the veto message of the Governor on the bill to incorporate the Newbern Male Academy, in Greene county.

The message was read and is as follows :

Mr. Speaker :

His Excellency, the Governor, returns to the House of Representatives where it originated without his approval and accompanied with his objections thereto, a bill to be entitled an act to incorporate the Newbern Male Academy, in Greene county.

J. D. CATLIN, Jr.,  
Private Secretary.

EXECUTIVE DEPARTMENT, January 31st, 1856.

*To the House of Representatives :*

The bill to incorporate the Newbern Male Academy, in Greene county, denies to the citizens within certain prescribed limits, the privileges belonging to other citizens in other parts of the State, in reference to dealing in spirituous liquors.

If the evil of intemperance has made such inroads upon the morals and sentiments of the people of Alabama, as to demand the enactment of such laws for the protection of institutions of learning amongst us, it becomes those clothed with the authority of legislation to enquire into the propriety of the adoption of such restrictive, sumptuary regulations as may be commensurate with the extent of the evil, and to legislate so that every school in the State may enjoy the benefits of such protection.

I take it for granted that such a bill would not have passed without a request or wish, on the part of what purported to be a majority of the citizens living within the territory over which the law is to be operative, for such provision. The idea prevailing to some extent in the minds of *ardent* reformers and modern philanthropists, that a majority of any particular county, precinct or neighborhood, has the right, under our form of government, to prescribe to any other portion of the community regulations of the nature of this bill, is, in my judgment, unwarranted. The government of Alabama is not, itself, a government of a mere numerical majority, but of concurrent majorities—the Legislature representing the popular will of the people, as expressed in their sub-divisions, and the Executive representing the popular will, as expressed by the people of the State at large. Each branch of the Legislature is designed to be a check on the other, and the Executive department to be a check, when necessary, upon the Legislation of both; thus preventing simple numerical majorities from having a ruling power. The idea that a democratic republican government is founded upon the principle of a bare majority of the popular vote, has no sanction in the fundamental law of this or any other State, or of the Federal Government.

Many new and strange principles and theories of government have arisen and for a time interested and excited the public mind, wholly unknown in the purer days of the republic, and wholly unsupported by test of experience or sound reasoning. I conceive the modern theory of legislation on the sale and use of alcoholic liquors more calculated to carry away for the time the better judgment of good men who take only a superficial view of the question, than any other which has been presented of late years; and one which has no prospects of better results than have accrued to other modern theories now exploded. It belongs to that batch of Northern *isms* of puritanical fanaticism which require their devotees to war with zeal, without charity or discretion, upon all who

may disagree with them in their enthusiastic notions of reform, equality and fraternity. This partial system of legislation is doubtless intended, by its more zealous advocates, to be the forerunner of a general proposition for total abstinence hereafter to be made. If legislation, prohibitory of the sale or the giving away of intoxicating drinks, be the proper method of remedying the evils of intemperance, lay the axe at the root of the tree *now*, and let it be hewn down by a general prohibitory law—not lop off its branches only by partial measures. The disease is general, if disease there be, and needs a radical cure, which cannot be effected by temporizing or partial remedies.

So far as this particular bill is concerned, many persons in the vicinity of the village and territory proposed to be effected by it, are opposed to its passage; and the proposition to charter an Academy with a capitol of one hundred thousand dollars, is believed to be a mere pretext to adopt the liquor clause contained in the bill. I am persuaded that the commendable spirit of supporting Academies in our own communities and the cause of education are little advanced, by being made to carry the proscriptive features of the Maine Liquor Law fanaticism. I look upon some of the provisions of this bill as the most extraordinary that were ever proposed to be enforced among any people calling themselves *free*. The rule of evidence applicable to trading with slaves, (section 3286 of the Code,) this bill says shall be applied in the trial of all offences against this act, and the act to be in force from the moment of its passage, making citizens liable for violations of a law which it is morally impossible that they could know anything about. Having had occasion to advance my objections to both features of this charter on other bills, I shall not enlarge on the reasons which compel me to withhold my approval.

Respectfully.

JOHN A. WINSTON.

The question being, "shall the bill pass,"

The House refused to pass the same.

Yeas 13; nays 62.

Yeas—Messrs. Barry, Byrne, Crawford, Critcher, Fowler, Galloway, Jay, Langdon, Reid, Rice, Thornton, Thorn and White—13.

Nays—Messrs. Acree, Alford, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Camp, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Curry, Davis, Ellis of



Blount, English, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Pynes, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston and Wood—62.

Mr. Sykes, from the committee on Ways and Means, reported adversely to the bill requiring Tax Collectors to make out tax accounts.

Said report was concurred in.

Also.

Adversely to the bill, to continue and complete the Geological Survey of the State.

Mr. Curry moved to lay the report on the table.

Which motion was sustained.

Yeas 45 ; nays 37.

Those who voted in the affirmative, are :

Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Beck, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Galloway, Garleck, Gilmore, Goode, Grubbs, Hobbs, Howard, Jay, Jones, King, Langdon, Larkins, Lockett, McBride, McClanahan, Miree, Nicholson, Powell, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Mobile, Thornton, White and Wood—45.

Those who voted in the negative, are :

Messrs. Bishop, Bradley, Brown of Marion, Browder, Burgess, Davis, Ellis of Blount, Haden, Hancock, Kirkland, Little, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Owens, Peddy, Pennington, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thoru, Towles, Ward of Cherokee, Ward of Dale, Williams and Winston—37.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed bills from the House, entitled as follows :

An Act—

To compensate Stephen M. Swain, of Mobile county ;

To incorporate the Planters Factory, at Autaugaville ;

To amend the criminal law ;  
 Amendatory of an act establishing Commissioners' Districts in the county of Walker ;

Compelling certain persons now exempt from working on public roads in DeKalb county—(amended by the Senate.)

To authorize Susan Lee, to erect two gates on the Pipkins' Ferry and Livingston road.

The Senate has also originated and passed bills, entitled as follows :

To allow the Probate Judge of Montgomery county, to take jurisdiction of the estate of Warren Macon, deceased, of Macon county ;

To authorize the Judge of the Probate Court of Madison county, to grant letters testamentary to Matthew V. L. McClelland, &c. ;

To change the mode of appointing the Physician of the Alabama Penitentiary ;

For the relief of certain persons therein named ;

To loan a portion of the two per cent. fund to the Alabama and Mississippi Rivers Railroad Company ;

To amend the charter of the city of Montgomery ;

To establish a Medical Board in the county of Henry ;

To establish a Medical Board in the county of Greene.

A message from the Governor by J. D. Catlin, Jr.:

Mr. Speaker :

His Excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles :

An act to regulate the summoning of jurors in the counties of DeKalb and Covington.

An act to authorize Charles Dear to erect gates across a road therein named.

An act to authorize the completion of the final records of the Circuit Court of the county of Madison.

An act to authorize the Commissioners of Revenue of the county of Mobile, to erect poor houses.

An act to change the law in relation to County Surveyors and Coroners, in Dale county.

The hour of half-past 1 o'clock having arrived, the House stood adjourned until half-past 3 o'clock, this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Sanford, from committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, to which was referred the following bills, have examined the same and instruct me to report the same as correctly enrolled:

An act amendatory to an act establishing Commissioners' Districts in the county of Walker, approved January 6, 1852.

An act to incorporate the village of Perryville, and for other purposes.

An act to incorporate the village of Hamburg, and for other purposes.

An act to incorporate the Male Academy and the Female Seminary, in the town of Summerville, Morgan county.

Mr. Powell, from the same committee, made the following report:

The committee on Enrolled Bills, to which was referred the following bills, beg leave to report the same correctly enrolled:

An act to amend the road laws in Cherokee county.

An act to amend an act establishing Commissioners' Districts in Walker county, and for other purposes.

An act to repeal an act therein named.

An act to incorporate the Spring Hill Male and Female Academy in Marengo county.

An act to provide for the payment of jurors in Choctaw county.

An act to compensate Stephen M. Swain of the county of Mobile.

The chair laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

The engrossed bill:

Requiring the Supreme Court of Alabama to take jurisdiction of appeals in certain cases therein mentioned, was read the third time; and,

On motion of Mr. Smith of Lauderdale, laid on the table.

The engrossed bill:

To make a loan to the Mobile and Girard Railroad Comp'y, was read the third time.

Mr. Lynch moved to amend by way of engrossed rider.

Mr. Browder moved to lay the bill on the table.

Motion prevailed.

Mr. Sanford offered the following resolution, which lies over one day, viz:

*Resolved*, That hereafter the House will meet at 9 o'clock, A. M., and at 3 P. M.

The engrossed 'Joint Resolutions of the General Assembly of the State of Alabama, providing for the call of a Convention,' was read the third time and passed.

Yeas 65; nays 13.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Cunningham, Curry, Davis, Ellis of Benton, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, McBride, McConnell, Milligon, Miree, Moragne, Nabors, Nicholson, Owens, Pennington, Peddy, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sheffield, Sykes, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Williams, Winston and Woolsey—65.

Nays—Messrs. Brown of Marion, Brown of Tuskaloosa, Byrne, Carpenter, Clanton of Sumter, Fowler, Goode, Lockett, Menasco, McClanahan, McMullen, Rice and Taylor of Coosa—13.

Mr. Rice asked and obtained leave to record his vote in the affirmative on the bill 'To build the Alabama Central Railroad.'

The Senate bills:

To incorporate the Alabama Roofing Slate Company;

To authorize the court of County Commissioners of Franklin county, to make appropriations for the relief of certain persons therein named;

To incorporate the Society Hill Male Academy;

To incorporate the Alabama Coal Mining Company;

To grant the right of way to the Memphis and Charleston Railroad Company;

To amend the act incorporating the town of Athens, approved January 15, 1828;

The Joint Resolutions of the General Assembly of the State of Alabama,

To regulate the sale of spirituous liquors in Harrel's or Cross Roads Beat, in Dallas county;

Were severally read the second time, and ordered to a third reading.

A Senate bill, for the relief of James J. Sublett, was read the second time.

Mr. Maples offered the following substitute therefor:

Amend by striking out all after the enacting clause, and inserting "That the sum of two hundred dollars, an equal amount to each, be and the same is hereby appropriated to pay James J. Sublett and David Livingston, for services and expenses in arresting and prosecuting to conviction, three men

upon the charge of murder, and that the Comptroller draw his warrant for the sum of one hundred dollars in favor of Sublett, and one hundred dollars in favor of said Livingston, to be paid out of any monies in the treasury not otherwise appropriated."

Said substitute was adopted, and the bill ordered to a third reading.

The Senate bill, for the relief of Obediah Milner, of Tallapoosa county, was read the second time; and.

On motion of Mr. Belser,

The constitutional rule was suspended, the same was read the third time forthwith and passed.

The Senate bills:

Giving liens to livery stable keepers in Mobile county;

To amend an act, approved 17th February, 1854, To provide for the investment and safe-keeping of estates and money in certain cases therein named,

Were severally read the second time and referred to the committee on the Judiciary.

The Senate bills:

To incorporate the Cedar Bluff Transportation Co.;

To incorporate the Southern Female College,

Were severally read the second time and referred to the committee on Corporations.

The Senate bill—To amend an act to authorize and regulate the business of Banking, approved 15th February, 1850—was read the second time and referred to the committee on Banks and Banking.

The Senate bill—To allow the Probate Judge of the county of Montgomery to take jurisdiction of the estate of Ann E. Witherspoon, deceased, late of Greene county—was read the second time.

Mr. Thornton moved to refer the bill to the committee on the Judiciary. Lost.

The bill was ordered to a third reading.

The Senate bill—Fixing the time for holding certain courts therein named—was read the second time and referred to the committee on the Judiciary.

The Senate bill—To incorporate Fort Deposit Academy, in the county of Lowndes—was read the second time and ordered to a third reading.

The Senate bill—[Copy not furnished the printer.]—was read the second time, and, on motion of Mr. Howard, referred to a select committee composed of the delegation from the county of Mobile.

## BILLS ON THEIR FIRST READING.

The Senate bills :

To amend an act incorporating the town of Guntersville, and for other purposes;

To incorporate the Asbury Female Institute, at LaFayette, Chambers county ;

To pay Brittan & Blue for printing;

To authorize certain persons therein named to erect a fish trap on Flint river, in Madison county;

To make permanent the Court House in the county of Bibb;

To amend an act therein named;

To incorporate the Middle Alabama R. R. Company;

Joint Resolutions for printing and distributing the report of the State Geologist;

To incorporate the North Alabama Insurance Company, at Huntsville;

To authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company, of Georgia, and of the West Point and Tennessee River Railroad Company, of Ala., and for other purposes therein named;

To legalize the proceedings of the Commissioners' Court of Henry county;

To amend section 1186 of the Code of Alabama;

To amend the charter of the West Point, Georgia, and Tennessee River Railroad Company;

To confirm a contract heretofore made for building a Court House in the county of Coosa;

Were severally read the first time and ordered to a second reading.

The Senate bills :

To establish a Medical Board in the county of Greene;

To establish a Medical Board in the county of Henry;

To amend the charter of the city of Montgomery;

To allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Warren Macon, deceased, of the county of Macon.

The Senate bill—to appropriate certain sums for improvements in the Penitentiary, and for other purposes—was read the first time.

Mr. McMullen moved to lay the bill on the table. Lost.

Yeas 15 ; nays 59.

Yeas—Messrs. Beavers, Bradley, Browder, Burgess, Ellis of Blount, Grubbs, Larkins, Menasco, McMullen, Nabors, Sanford, Smith of Franklin, Staton, Taylor of Chambers and Ward of Cherokee—15.

Nays—Messrs. Speaker, Acree, Alford, Barry, Bernhard, Belser, Bishop, Brown of Marion, Brown of T., Camp, Clanton of Montgomery, Crawford, Critcher, Cunningham, Curry, Fowler, Galloway, Garleck, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Langdon, Little, Lockett, Lynch, Maples, McClanahan, McConnell, Milligan, Miree, Moragie, Nicholson, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhoads, Rice, Sheffield, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Towles, White, Williams, Wood and Woolsey—59.

The bill was moved to a second reading.

The Senate bill:

In reference to the Sixteenth Sections in township 3, range 7, 11 and 12, in the county of Lauderdale, was read, and the constitutional rule being suspended, the same was read the second time forthwith and referred to the committee on the Sixteenth Sections.

The House concurred in the amendments of the Senate to the engrossed bills:

To change the mode of assessing the tax of Butler county;

To authorize Justices of the Peace to have certain attachments executed;

To incorporate the Commercial Bank of Alabama, &c.;

For the benefit of L. H. Dickerson;

To consolidate the office of Judge of Probate and Clerk of the Circuit Court of Baldwin county.

The Senate bill:

To authorize C. W. Cottingham, of Lowndes county, to make out and substitute a new Dockett, and for other purposes, was read, and under a suspension of the constitutional rule, the same was read second and third times forthwith and passed.

The Senate bill:

To regulate the sale of spirituous liquors in precinct number five, in Shelby county, was read the first time and ordered to a second reading.

The House concurred in the amendments of the Senate to the House bill—

The more effectually to secure subordination among slaves, &c.

Also, in the Senate's amendments to the House bill, 'Relating to the government and revenue of Mobile county.

And the same was made the special order for Saturday next at 10 o'clock, A. M.

The Senate bill :

To authorize the Judge of the Probate Court of Madison county, to grant letters testamentary to Matthew V. L. McClelland, notwithstanding he is a non-resident, on the estate of his brother, James J. McClelland, late of said county, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The hour of 5½ o'clock having arrived, the House stood adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 1, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

On motion, the reading of the journal was dispensed with.

Mr. King moved to suspend the special order—the bill to render more effectual the system of free public schools in this State, &c.,—to allow committee on Agriculture to report.

Lost.

Mr. Sanford, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

An Act—

To divorce Susannah Caple from her husband Samuel Caple, and other persons therein named.

Mr. Powell, from the same committee, reported the following bills as correctly enrolled, viz :

An Act—

To incorporate the Pickens and Noxuba, Mississippi, Railroad Company.

An Act—

To authorize the election of an additional constable in beat No. 6, in the county of Coffee.

An Act—

To incorporate the Planters' Factory, at Autaugaville.

An Act—

To authorize the Commissioners' Court of Pike county to appoint one or more assistant surveyors in said county.

An Act—

To repeal in part an act relative to Justices in certain counties therein named.

An Act—

For the relief of Hosea Lecroy of Coosa county.

An Act—

To authorize auction sales in Cherokee county.

An Act—

To authorize the dismissal of suits in Chancery in vacation.



An Act—

To authorize the Comptroller of Public Accounts to purchase a fire proof safe.

An Act—

To reduce the compensation of Commissioners of Roads and Revenue in the county of Cherokee.

Mr. Beck moved to suspend, &c., to offer the following resolution :

*Resolved*, That the Senate concurring, this House will adjourn *sine die* on Tuesday, the 12th instant.

The House refused to suspend.

The House, in committee of the Whole, then proceeded to the consideration of the special order—the bill to render more efficient the system of free public schools in the State of Alabama

Mr. Gilmore moved to lay the bill and amendments on the table.

Lost.

Yeas 13 ; nays 70.

Yeas—Messrs. Beck, Carpenter, Clanton of Sumter, Echols, Fowler, Gilmore, Goode, Haden, Lynch, Owens, Taylor of Mobile, Towles and Woolsey—13.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Clanton of Montgomery, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Grubbs, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Nabors, Nicholson, Odem, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—70.

The first amendment to come in after the word “ company ” was adopted, viz : the words “ now or.”

The following amendment, to come in after the word “ dividends ” in the twenty-fifth line, was adopted, viz : “ Or in that proportion on every one hundred thousand dollars of its capital stock.”

The following substitute for the eighth sub-division of article first, was adopted, viz :

“ Every agency of any foreign bank or exchange company, shall pay annually a tax of one hundred dollars ; and every in-

insurance agency of every insurance company, shall pay annually a tax of one per cent. on the profits made by such agency."

Also, the following additional amendments to said article and sub-division, viz:

9. "On all foreign bank bills used in this State by any corporation, partnership, or person, one-half per cent. on every one hundred dollars' profit made by the use of said bills."

10. "All sums received by the State under the first sub-division of section 397 of the Code."

The following amendment, to come in after the word "act" in the nineteenth line, on page four, was adopted, viz:

"Taking as a basis of such disbursement, the returns made to him next, preceeding such disbursement, of the number of the children in various townships, and the ratio of distribution prescribed in the fourth sub-division, section first, article first, of this act."

The eighth amendment as follows:

"Every two years," to come in after the words "1856, and," in the second line of section nine, on page five, was adopted.

The ninth amendment as follows:

Strike out "two" and insert "one," after the word "establish," in the second line of section twelve, on the eighth page, was adopted.

The tenth amendment was adopted, and the same is as follows:

At the conclusion of the sixth line of section seven, on page eleven, add "for the balance due said county from the Educational fund."

The eleventh amendment, to come in after the word "shares" in the second line of section eight, on page twelve, was adopted, viz:

"Except so far as they consist of the sixteenth section fund."

Mr. Thornton moved to strike out "six" and "twenty-one," and insert "eight" and "twenty-five."

Mr. Rice moved to lay the amendment on the table.

Carried.

Mr. Jones moved to strike out "six" and insert "seven."

Mr. Sykes moved to lay the motion on the table.

Lost.

The hour of 11 o'clock having arrived, for which there was a special order, on motion of Mr. Camp, the same was suspended to dispose of the bill.

The twelvth amendment was adopted, viz :

Strike out "nineteen," where it occurs in the first line of section two, article five, and insert "twenty-one."

The thirteenth amendment was adopted, viz :

Strike out the words "county superintendents," in the third line of section second, on page thirteen, and insert "school commissioners."

The fourteenth amendment was adopted, viz :

Strike out the word "district," where it severally occurs in the fifth line of section five, page fourteen, and insert "township."

The fifteenth amendment was adopted, viz :

Strike out "commissioners," where it occurs in the sixth line of section six, on page fourteen, and insert "county superintendent."

The sixteenth amendment was adopted, viz :

Add after the word "company," in the third line of section nine, on page fourteen, the words "corporation, partnership or person."

The seventeenth amendment was adopted, viz :

Strike out "or," in the sixth line, on page fifteen, and add after the word "company," in same line, the words "corporation, partnership or person."

The eighteenth amendment was adopted, viz :

Strike out the word "or" after "bank," in the seventh line, on page fifteen, and add after "company," in same line, "corporation, partnership or person."

Mr. Curry moved the previous question ;

And the previous question was sustained.

Yeas 56 ; nays 33.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskalooza, Browder, Burgess, Camp, Carpenter, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garlock, Grubbs, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McClanahan, Milligan, Miree, Odem, Owens, Peddy, Pynes, Remson, Rhodes, Rice, Sheffield, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Ward of Cherokee, Williams, Winston, Wood and Wolsey—56.

Nays—Messrs. Barry, Beck, Brown of Marion, Byrne, Chapman, Clanton of Sumter, Cunningham, Davis, English, Galloway, Gilmore, Goode, Haden, Jackson, Langdon Lynch, McConnell, McMullen, Moragne, Nabors, Nicholson, Pennington, Powell, Reid, Sanford, Smith of Franklin, Smith of

Lauderdale, Sykes, Thornton, Thorn, Towles, Ward of Dale, and White—33.

Mr. Woolsey moved to reconsider the vote just taken.

Mr. Curry moved to lay said motion on the table.

Carried. Yeas 50 ; nays 37.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Echols, Ellis of Blount, Ellis of Benton, Garleck, Grubbs, Hancock, Hobbs, Howard, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McClanahan, Milligan, Miree, Odem, Peddy, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Ward of Cherokee, Williams, Winston and Wood—50.

Nays—Messrs. Barry, Beck, Brown of Tuskaloosa, Byrne, Carpenter, Chapman, Clanton of Sumter, Cunningham, Davis, English, Fowler, Galloway, Gilmore, Goode, Haden, Jackson, Jay, Langdon, Lynch, McConnell, McMullen, Moragne, Nabors, Nicholson, Pennington, Powell, Reid, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Sykes, Thornton, Thorn, Towles, White and Woolsey—37.

A message was received from the Governor by his private secretary, J. D. Catlin, Jr., vetoing the bill to incorporate the Chunnenugee Female College of Macon county ;

Which was, on motion, postponed until to-morrow at 11 o'clock.

Mr. King moved to suspend the constitutional rule, in order to give the bill, now under consideration, a third reading forthwith.

The House refused to suspend.

Yeas 69 ; nays 19.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Camp, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Grubbs, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Langdon, Larkins, Little, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Owens, Peddy, Powell, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—69.

**Nays**—Messrs. *Barry, Beck, Carpenter, Chapman, Clanton of Sumter, Echols, English, Fowler, Gilmore, Goode, Haden, Lockett, Lynch, McMullen, Pennington, Reid, Smith of Lauderdale, Towles and Woolsey*—19.

The House then proceeded to the consideration of the next special order, it being the bill to establish annual sessions.

And the first amendment was adopted, viz :

By striking out "first" and "December," in first section, and insert "third of November;" strike out "forty," in second section, and insert "thirty-five."

*Mr. Curry* moved to amend by striking out "thirty-five" and inserting "thirty." Lost.

And the question being upon the adoption of the second amendment.

*Mr. Curry* moved to amend by striking out "1856" and inserting "1457."

*Mr. Goode* moved to lay the motion on the table, and the yeas and nays were demanded.

Pending the call of which, the hour of half past 1 o'clock arrived, and the house stood adjourned until half past 3 o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

*Mr. Powell* moved to suspend the order of business, to take up the rule offered by *Mr. Sanford* on yesterday.

Carried.

Yeas 50 ; nays 24.

**Yeas**—Messrs. *Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Carpenter, Chapman, Cochran, Curry, Davis, Echols, Fowler, Galloway, Garleck, Grubbs, Haden, Hancock, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, McBride, McClanahan, McConnell, Milligan, Moragne, Nabors, Peddy, Pennington, Powell, Pynes, Remson, Sanford, Smith of Mobile, Smith of Randolph, Sykes, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, and Williams*—50.

**Nays**—Messrs. *Speaker, Bernhard, Beck, Burgess, Clanton of Sumter, Ellis of Blount, Goode, Howard, Jackson, Langdon, Menasco, McMullen, Mirce, Nicholson, Reid, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Wright and Woolsey*—24.

*Mr. Powell* moved to amend as follows :

By inserting "and adjourn at one o'clock and five o'clock, P. M."

*Mr. Fowler* moved to lay the amendment on the table.

Carried. And the rule was then adopted.

Mr. Menasco moved to reconsider the vote just taken.

Mr. Fowler moved to lay motion on the table. Carried.

The hour of half past 3 o'clock having arrived, the House proceeded to the consideration of the special order, it being the joint resolutions, &c., introduced by Mr. Thornton.

The amendment offered by Mr. Langdon was accepted by Mr. Thornton.

Mr. Curry offered a substitute therefor as follows :

1. *Resolved*, That the Constitution is founded, and the Union can exist only, upon the fundamental principle of entire and absolute equality among all the States, and it is not competent for Congress to impose restrictions or conditions upon new States applying for admission into the Union, which the Constitution has not imposed upon the original States.

2. *Resolved*, That we repudiate the doctrine of "squatter sovereignty," and deny that the squatters or temporary sojourners on "the property belonging to the United States," can designate the boundaries of a new Territory or State, provide for its political organization, or determine its political institutions.

3. *Resolved*, That the inhabitants of Territories, under Territorial governments, prior to the formation of a State constitution, when they become a *people*, cannot rightfully exercise sovereign powers, and have no power to exclude slavery as it exists in the Southern States, nor to impair the rights of the citizens of any of the States to the equal use, occupation and enjoyment of the common territory or property of the States united ; because, Congress the creator has no such power, it cannot be conferred upon or exercised legitimately by its creature—the Territorial Government.

4. *Resolved*, That Congress has no power, either express or implied, under the constitution, to yield away or "compromise" the sovereign or constitutional rights of the States, or abolish, or prohibit, or intervene against slavery in the Territories, but it is the unqualified right of the people of the slaveholding States to the protection at their property in the States, in the Territories, and in the wilderness in which territorial governments are as yet unorganized.

5. *Resolved*, That we hold under the constitution to the perfect equality of privileges—civil, religious and political—of every citizen of our country without reference to the place of his birth ; but we think it unwise and improper in Congress to donate the public lands to unnaturalized foreigners, or to allow them the right of suffrage in the Territories.

6. *Resolved*, That the naturalization laws, *as they exist*, should be rigidly enforced, to prevent fraud and corruption and indecent haste in obtaining "naturalization papers," and we deprecate and are opposed to the introduction into this State of paupers as such, and criminals other than political, from foreign governments or from our sister States.

7. *Resolved*, That the power to grant the ingress and egress of persons to and from its territory belongs to every State, as one of the substantative rights of sovereignty ; that this power has not been parted with by the States of this Union and belongs to them alone as one of their reserved rights ; that but one power is given by the constitution to Congress over aliens—that of naturalizing them ; and this does not authorize Congress to prohibit the migration of Foreigners to a State. It belongs to the State alone to determine what persons are dangerous or injurious to the interests of its citizens and to apply the proper remedy free from the control or interference of the General Government.

8. *Resolved*, That religious freedom is an inalienable, God-given right, beyond the control of government, and its surrender unnecessary to the temporal power of the State, and no party, faction, order or cabal can regulate or interfere with that right, and all persecution, or proscription, or deprivation of civil rights, or political power, on account of religion, is a violation of natural right, and destructive of religious liberty.

9. *Resolved*, That the open discussion of public affairs is promotive of the intelligence of the people and is the safeguard of freedom ; that any secret association, or brotherhood, or order for political objects is dangerous to free institutions, is destructive of social confidence, and contrary to the frank and manly character of a *true* American ; and

That in the same manner and to the same extent, that a secret and insidious foe is more dangerous than an open and manly opponent, we regard the attempt that has been made to create by secret oath-bound associations, a law of public sentiment higher than the constitutional guaranties, in behalf of the enjoyment, by all citizens, whether native or adopted, of the rights of civil liberty and religious toleration, as more dangerous and more vigilantly to be resisted than an open and direct attempt to render those guaranties nugatory and of no effect.

Mr. Belser moved to amend as follows :

10. *Resolved*, That while neither Congress nor the Territories have the right to prohibit the introduction of slavery in

the Territories of the Union, yet, if necessary, it is the bounden duty of one or the other of them to provide the machinery by law in which the slaveholder can be protected in retaining dominion over his slave property in said Territories.

11. *Resolved*, That the act of Congress proposing the mode in which persons of foreign birth shall be naturalized by the State Courts, is uniform throughout the Union, and that no State nor Territory has the right to make a voter of a person of foreign birth, until he is regularly naturalized according to the provisions of the same.

Mr. Lynch moved to suspend the rule requiring the House to adjourn at 5 o'clock. Carried.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills of the following titles :

For the relief of Wm. T. Webb.

To establish a Medical Board in the county of Greene.

To authorize Joseph D. Hansby and his successors to erect a dam across the Mulberry Fork of the Warrior river.

To amend section 3225 of the Code.

To issue a patent to certain persons therein named.

To incorporate the Chunnenugee Insurance Company, in which the concurrence of the House is requested.

Also House bills :

For the relief of M. B. Breedlove.

To authorize James L. Murphy of the county of Greene to peddle books in this State without license. Amended by the Senate as therein shown.

The Senate has seceded from the amendment to the resolution from the House proposing that the General Assembly adjourn *sine die* on the 15th of February, instant, and concurs in the resolution of the House.

Message from the Governor by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency the Governor has approved of bills of the following titles, which originated in the House of Representatives :

An act to divorce Wm. B. Wilson from her wife Sarah J. Wilson, and to divorce other persons therein named.

An act to divorce Hulda Johnson from her husband Spencer Johnson, and for other purposes therein named.

An act to provide for the electing of County Commissioners in the county of Henry.



An act for the relief of Elisha J. Green of the county of Tallapoosa.

An act to change section 987 of the Code.

An act for the relief of John Neblett.

An act to divorce Daniel Cannon from his wife Jane Cannon.

An act to divorce Mary E. Greene from her husband Rufus Greene, and other persons therein named.

An act for the relief of the purchasers and heirs of the estate of Arthur Fant.

An act amendatory to an act establishing Commissioners' Districts in the county of Walker, approved January 6th, 1852.

An act to authorize Thomas Thom & Sons of Franklin county to erect a certain dam therein named.

An act to regulate the pay of the Sheriff and Clerk of the Circuit Court of Benton county for ex-officio services.

An act to refund money to the "True Blues."

An act to lay off the county of Jefferson into four Commissioners' Districts.

An act to regulate Sheriffs' and Coroners' sales in the county of St. Clair.

An act to allow executors and administrators discretionary powers in certain cases.

An act to increase the pay of the County Court Commissioners in the county of Franklin.

An act to repeal certain acts regulating Justices' courts in the county of Randolph.

An act to repeal in part an act entitled an act to incorporate the Pickens DeKalb Minute Men

An act to amend an act to repeal in part the patrol law in the counties of Marshall, DeKalb, Cherokee and others.

An act to amend an act to fix the boundary line between the counties of Cherokee and Benton.

An act to regulate the proceedings of the board of County Commissioners in the county of Clarke.

An act exempting the citizens of the town of Columbiana from working on public roads, except in the corporate limits thereof.

An act to constitute a board of Physicians in the town of Newton, Dale county.

Mr. Belser being entitled to the floor,

On motion of Mr. Smith of Franklin, the House adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, February 2, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

On motion of *Mr. McClanahan*, the reading of the journal was dispensed with.

*Mr. Speaker* laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

On motion of *Mr. Howard*, the House proceeded to consider the motion of *Mr. Thornton* to reconsider the vote by which the bill regulating the amount of taxes to be collected on the sale of property at auction.

The vote was reconsidered.

*Mr. Jackson* introduced a bill to amend an act therein named, so far as relates to Autauga county.

*Mr. Pennington* introduced a bill and petition to authorize *Robert B. Witter* to practice law in the several courts of this State.

*Mr. Speaker Walker* (*Mr. Curry* in the chair) introduced a bill to change the time of holding the Chancery Courts for the counties of Lawrence and Lauderdale.

*Mr. Beavers* introduced a bill for the relief of *Calvin C. Crow* and *Allen W. Nixon* of St. Clair county.

*Mr. Clanton* of Sumter introduced a bill to make the practice of Probate Judges uniform in this State.

Which were severally read the first time, and under a suspension of the constitutional rule, the same were severally read the second and third times forthwith and passed.

On motion of *Mr. Speaker Walker*, the bill for changing the time for holding the Chancery Court for the counties of Lawrence and Lauderdale, was ordered to be sent forthwith to the Senate.

*Mr. Moragne* introduced a bill to regulate the fees for marriage license in Benton county, which was read, and the rule being suspended, the same was read the second time.

*Mr. Camp* moved to refer the bill to the committee on Ways and Means.

Lost.

The same was read the third time, under a suspension of the rule, and passed.

*Mr. Clanton* of Montgomery introduced a bill to increase the license to sell ardent spirits within three miles of the city of Montgomery, which was read.

*Mr. Menasco* moved to lay the bill on the table, and the yeas and nays were demanded.

Lost.

Yeas 24 ; nays 56.

Yeas—Messrs. *Beavers, Beck, Bishop, Bradley, Brown of Marion, Browder, Camp, Ellis of Blount, Hancock, King, Kirkland, Little, Menasco, McConnell, McMullen, Milligan, Nabors, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Taylor of Coosa, Towles and Wright*—24.

Nays—Messrs. *Speaker, Acree, Alford, Barry, Bernhard, Belser, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Benton, Fowler, Goode, Graham, Grubbs, Haden, Hobbs, Howard, Jay, Jones, Langdon, Larkins, Lockett, Lynch, Maples, McBride, McClanahan, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Rice, Smith of Mobile, Sykes, Thornton, Thorn, Ward of Dale, Williams, Winston, Wood and Woolsey*—56.

The hour of 11 o'clock having arrived, for which there was a special order.—the bill to incorporate the Chunneunggee Female College of Macon county, which was vetoed by the Governor,

Mr. Powell moved to suspend the consideration of the said veto message until after the call of the councils.

Carried.

The constitutional rule was then suspended, and the bill under consideration was read the second and third times and passed.

Yeas 58 ; nays 25.

Yeas—Messrs. *Speaker, Acree, Bernhard, Belser, Brown of Tuskaloosa, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Benton, Fowler, Galloway, Graham, Grubbs, Haden, Hobbs, Howard, Jay, Jones, Langdon, Larkins, Little, Lockett, Lynch, Maples, McBride, McClanahan, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thornton, Thorn, Ward of Dale, Williams and Wood*—58.

Nays—Messrs. *Alford, Beck, Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp, Clanton of Sumter, Ellis of Blount, Hancock, King, Kirkland, Menasco, McConnell, McMullen, Milligan, Nabors, Sanford, Sheffield, Smith of L., Smith of Randolph, Towles, Winston and Wright*—25.

Mr. Jones introduced a bill to be entitled an act to incorporate the town of McKinley, in the county of Marengo.

Mr. Clanton of Montgomery introduced a bill to provide

for the sale or retail of ardent spirits within three miles of Spring Hill Academy, in Montgomery county.

Which bills were severally read the first time, and under a suspension of the rule, were severally read the second time.

Mr. Menasco moved to refer the last named bill to the committee on the Judiciary.

Lost.

And the bills were severally ordered to be engrossed.

Mr. McMullen introduced a bill to loan to the *Mobile and Girard Railroad Company* fifty thousand dollars of the two and three per cent. fund, which was read the first time, and under a suspension of the constitutional rule, the same was read the second time, and referred to the committee on Internal Improvements.

Mr. Sanford introduced a bill to confer upon Courts of Chancery the power to sell property in certain cases for partition.

Mr. Jay introduced a bill establishing Jury trials in certain cases.

Mr. Smith of *Mobile* introduced a bill to make the license law more effectual.

Mr. Howard introduced a bill to amend Chancery proceedings.

Mr. Clanton of *Montgomery* introduced a bill to incorporate the village of *Athens*, in *Montgomery* county, and for other purposes.

Mr. Haden introduced a bill to require the beneficiaries in deeds of trusts on the tools, labor, or materials of mechanics to advertise the same.

Mr. Reid introduced a bill to amend section 3992 of the Code, and to increase the fees of Jailors.

Which were severally read the first time, and under the suspension of the constitutional rule, were severally read the second time and referred to the committee on the Judiciary.

Mr. Reid introduced a bill to amend section 572 of the Code, which was read, and the constitutional rule being suspended, the same was read the second time.

Mr. Smith of *Lauderdale* moved to amend by striking out "eight," where it occurs in the bill, and inserting "five."

Adopted.

Mr. Reid moved further suspension, &c., to give the bill a third reading.

Lost.

On motion of Mr. Haden, the bill was referred to committee on the Judiciary.

Mr. Pennington presented a memorial of the General As-

sembly to the Congress of the United States, in regard to the Sixteenth Sections, which was read and adopted.

Mr. Goode introduced a bill requiring the owners of Landings on the navigable rivers of this State to put up sign boards, which was read and ordered to a second reading.

Mr. Clanton of Montgomery introduced a bill to prohibit the sale of ardent spirits in High Log Beat, which was read.

Mr. Powell moved to suspend the constitutional rule to give the bill a second reading.

Lost.

The bill was ordered to a second reading.

The hour of 11 o'clock having arrived, for which there was a special order, Mr. Powell moved to suspend the special order, to proceed with the call of the counties.

Carried.

Mr. Woolsey introduced a bill with a petition, to raise a fund to erect a monument in the city of Selma, of native Alabama marble, to the memory of the late Hon. Wm. R. King, which was read, and on motion of Mr. Beck laid upon the table.

Mr. Carpenter introduced a bill to incorporate the town of Clinton, in Greene county, and for other purposes.

Read the first time, and under a suspension of the constitutional rule, the same was read the second and third times and lost.

Mr. Larkins presented the petition of Wm. H. Christian and others.

Mr. Byrne presented the petition from C. S. Knox and others, of Baldwin county, which were severally referred to the committee on Propositions and Grievances.

Mr. Barry introduced a bill to regulate the election of Tax-Assessors, which was read, and on motion laid on the table.

Mr. Belser presented the account of James A. Watterson.

Mr. Byrne presented the petition of J. W. Faith, Sheriff of Washington county, which were severally referred to the committee on accounts.

Mr. Remson moved to suspend the call of the counties, to introduce a resolution.

Carried.

*Resolved*, That as both Houses have agreed to adjourn *sine die* on the 15th inst., the House will meet on Tuesday night next, and from night to night, (except on Saturdays,) at 7, and adjourn at 9 o'clock, for the express purpose of allowing the different committees to report, which reports shall not be subject to suspension: Provided that this resolution shall not

prevent the House from transacting other business afterwards.

*Resolved*, That from and after the calls of the counties have been finished, that vetoes and special orders be taken up and disposed of by the House, in their regular order, and that all rules and business be suspended until such has been completed.

Mr. English moved to lay the resolutions on the table.

Lost.

Yeas 21; nays 64.

Yeas—Messrs. Acree, Alford, Barry, Camp, Carpenter, Ellis of Benton, English, Graham, Lockett, Menasco, McMullen, Moragne, Nicholson, Odem, Rice, Smith of Franklin, Smith of Mobile, Taylor of Chambers, Thornton, Thorn and Wright—21.

Nays—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Davis, Echols, Galloway, Gilmore, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, McBride, McClanahan, McConnell, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Sykes, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston and Wood—64.

The first resolution was adopted and the second laid on the table.

Mr. Lynch introduced a bill to enable the trustees of township 13, range 5, east, in Wilcox county, which was read, and the constitutional rule being suspended, the same was read the second time.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed bills from the House of the following titles :

A bill for the relief of Henry M. Elmore and others.

A bill for the relief of William Norton, (amended by the Senate.)

To incorporate the Alabama Copper Mining Company.

For the relief of Sarah Ann Clarke, of Morgan county, (amended by the Senate.)

The Senate has also originated and passed bills entitled as follows :

To amend section 939 of the Code.

To make compensation for arresting criminals.

To incorporate the Clayton Branch of the Mobile and Girard Railroad Company.

To amend an act therein named so far as relates to Autauga county.

To prevent the sale of spirituous and vinous liquors within two miles of Dog River Factory, in Mobile county.

To create an additional company beat in Jackson county, and for other purposes.

To amend an act to incorporate the North Alabama Telegraph Company.

To apportion Representatives among the several counties in this State, and to divide the State into Senatorial districts.

To define and establish definitely the dividing line between beats generally known as Alexandria and Colvin's beats, in Benton county.

A bill to repeal section 110 of the Code of Alabama and other laws in reference to duelling oaths.

For the relief of S. M. Ingersoll, of Russell county.

In relation to the rights and liabilities of Stockholders in Railroad companies incorporated by the laws of this State.

The Senate has also passed a bill which originated in the Senate, entitled

An act making an appropriation for the completion of the Alabama Insane Hospital, which was vetoed by the Governor.

The message was read, and the question being "Shall the bill pass notwithstanding the veto of the Governor?" the House refused to pass the bill. Yeas 46; nays 42.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Gilmore, Hobbs, Howard, Jay, King, Kirkland, Langdon, Larkins, Little, Menasco, McClanahan, McConnell, Miree, Nabors, Odem, Reid, Rhodes, Smith of Franklin, Smith of Mobile, Sykes, Taylor of Mobile, Thornton, Towles, Ward of Cherokee, White, Williams and Woolsey—46.

Nays—Messrs. Acree, Alford, Beavers, Beck, Bradley, Brown of Marion, Browder, Burgess, Ellis of Blount, Ellis of Benton, English, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Jones, Lockett, Lynch, Maples, McMullen, Milligan, Moragne, Moorer, Nicholson, Peddy, Powell, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Dale, Wright and Wood—42.

Mr. Powell moved to reconsider the vote by which the House refused to pass said bill.

Mr. Davis moved to postpone the consideration of the motion to reconsider until Monday next, at 10 o'clock.

Mr. Clanton moved that the House do now adjourn until 3½ o'clock, P. M.

Lost.

Mr. Smith moved that the House do now adjourn until half-past 9 o'clock on Monday morning.

Lost.

Yeas 43; nays 44.

Yeas—Messrs. Speaker, Barry, Brown of Marion, Brown of Tuskaloosa, Burgess, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Davis, Echols, Ellis of Blount, Gilmore, Grubbs, Hobbs, Jackson, Jones, King, Larkins, Lockett, Menasco, McConnell, McMullen, Milligan, Moragne, Nicholson, Odem, Peddy, Powell, Remson, Rice, Smith of Franklin, Smith of Mobile, Staton, Taylor of Mobile, Ward of Cherokee, Ward of Dale, Winston and Wright—43.

Nays—Messrs. Acree, Alford, Beavers, Bernhard, Belser, Bishop, Bradley, Browder, Clanton of Montgomery, Curry, Ellis of Benton, Goode, Graham, Haden, Hancock, Howard, Jay, Kirkland, Langdon, Little, Lynch, Maples, McBride, McClanahan, Miree, Moorner, Nabors, Pennington, Pynes, Reid, Rhodes, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, White, Williams and Wood—44.

Mr. Thornton moved that when the House adjourns it adjourn until 3 o'clock, P. M.

Carried.

Yeas 45; nays 43.

Yeas—Messrs. Belser, Bishop, Browder, Chapman, Clanton of Montgomery, Clanton of Sumter, Curry, Davis, Echols, Ellis of Benton, English, Gilmore, Goode, Graham, Howard, Jay, Kirkland, Langdon, Little, Lynch, Maples, McBride, McClanahan, McConnell, Miree, Moorner, Nabors, Pennington, Powell, Pynes, Reid, Rhodes, Smith of Mobile, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, White, Williams, Winston, Wood and Woolsey—45.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Byrne, Camp, Crawford, Critcher, Cunningham, Ellis of Blount, Grubbs, Haden, Hancock, Hobbs, Jackson,



Jones, King, Larkins, Lockett, Menasco, McMullen, Milligan, Moragne, Nicholson, Odem, Peddy, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Mobile, Ward of Dale and Wright—43.

Mr. Critcher moved to adjourn.

Lost.

Yeas 16 ; nays 62.

Yeas—Messrs. Beavers, Bernhard, Byrne, Camp, Carpenter, Chapman, Critcher, Hobbs, Langdon, Larkins, McBride, McClanahan, Nicholson, Towles, Ward of Dale and Wood—16.

Nays—Messrs. Speaker, Acree, Alford, Barry, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Clanton of Montgomery, Clanton of Sumter, Crawford, Davis, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, King, Kirkland, Little Lockett, Lynch, Maples, Menasco, McMullen, Milligan, Miree, Moragne, Moorner, Nabors, Odem, Peddy, Powell, Pynes, Reid, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, White, Williams, Winston, Wright and Woolsey—62.

Mr. Lynch moved to further postpone the motion to reconsider until Thursday next, at 12 o'clock, M.

Mr. Sanford moved to postpone until Monday, the 11th inst., at 11 o'clock, A. M.

The hour of 1½ o'clock arrived, and

The House stood adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll, on motion of Mr. Taylor of Chambers, was called, and the following members answered to the call :

Messrs. Speaker, Acree, Barry, Beavers, Bernhard, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Camp, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, English, Goode, Grubbs, Haden, Hancock, Howard, Jay, King, Little, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Odem, Peddy, Pennington, Powell, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Chero-

kee, Ward of Dale, Williams, Winston, Wright and Woolsey.

Mr. Taylor of Chambers moved to suspend the regular order of business, to take up the bill to amend the charter of the West Point, Georgia, and Tennessee Railroad Company.

Mr. Sanford moved to allow the committee on Internal Improvements to report.

Carried.

The Senate bill, to amend the charter of the West Point, Georgia, and Tennessee Railroad Company, was read the second time, and the constitutional rule being suspended, the same was read the third time, and passed.

Mr. Curry, from the committee on Internal Improvements, reported favorably to repeal section 4 of the act to amend an act entitled "an act to incorporate the Coosa and Chattooga River Railroad Company," and the constitutional rule being suspended, the said bill was read the third time forthwith, and passed.

Mr. Powell moved to suspend the regular order of business, to proceed to the consideration of the Joint Resolutions offered by Mr. Thornton.

Carried.

The House proceeded to the consideration of the same; and after some discussion thereon, on motion of Mr. Cochran,

The House adjourned until 9½ o'clock, on Monday morning.

MONDAY, February 4, 856.

The House met pursuant to adjournment.

Mr. Carpenter moved to dispense with the reading of the Journal.

Carried.

The House resumed the consideration of the veto message upon the Alabama Insane Hospital bill.

Mr. Cochran moved to suspend privileged questions and the call of the counties, to take up special orders for this hour.

Carried.

Mr. Sanford made the following report from the committee on Enrolled Bills, viz:

The committee on Enrolled Bills, to which was referred the following bills, have examined the same and instruct me to report the same as correctly enrolled:

An Act—

To change the mode of Assessing the Tax of Butler county;

An Act—

For the relief of *M. B. Breedlove* ;

An Act—

For the relief of *L. H. Dickerson* ;

An Act—

To authorize Justices of the Peace to have certain attachments executed ;

An Act—

To consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

An Act—

For the relief of *Henry M. Elmore* and others.

*Mr. Portis* from the same committee, made the following report :

The committee on *Enrolled Bills*, to which was referred the following bill, have examined the same and instruct me to report the same as correctly enrolled, viz :

An Act—

To incorporate the Commercial Bank of Alabama.

The House proceeded to the consideration of the first special order for this hour, it being the bill for the relief of *Richard K. Harrison* and others.

And on motion of

*Mr. Moor*er, the constitutional rule was suspended and the bill was read the third time and passed, and ordered to be sent forthwith to the Senate.

The House then proceeded to consider the next special order, it being the bill and the adverse report of the committee on the bill for the protection of builders and mechanics in Dallas county.

*Mr. Woolsey* moved to lay the report on the table.

Lost.

Yeas 26 : nays 39.

Yeas—Messrs. *Barry*, *Carpenter*, *Fowler*, *Graham*, *Haden*, *Howard*, *Jay*, *Langdon*, *Little*, *McMullen*, *Milligan*, *Moragne*, *Nicholson*, *Portis*, *Powell*, *Remson*, *Rice*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Smith of Mobile*, *Staton*, *Taylor of Chambers*, *Taylor of Coosa*, *Thorn*, *Ward of Cherokee* and *Woolsey*—26.

Nays—Messrs. *Speaker*, *Acree*, *Alford*, *Beavers*, *Belser*, *Bradley*, *Brown of Tuscaloosa*, *Browder*, *Burgess*, *Camp*, *Chapman*, *Clanton of Sumter*, *Cochran*, *Ellis of Blount*, *Galloway*, *Gilmore*, *Goode*, *Grubbs*, *Hancock*, *King*, *Lockett*, *Maples*, *Menasco*, *McClanahan*, *McConnell*, *Moorer*, *Nabors*, *Peddy*, *Pynes*, *Reid*, *Smith of Lauderdale*, *Smith of Ran-*

dolph, Thornton, Towles, Ward of Dale, Williams, Winston and Wood—39.

The report was then concurred in.

The House then proceeded to the consideration of the next special order, it being the substitute adopted by the Senate in relation to the bill in regard to the government and revenue of Mobile county.

Mr. Curry moved to suspend all business before the House to take up the bill to render more efficient the system of Free Public Schools in this State. Carried.

And the question being, "shall the bill pass."

The same was passed and ordered to be sent forthwith to the Senate.

Yeas 69; nays 13.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Cochran, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Galloway, Graham, Grubbs, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Langdon, Larkins, Little, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cheokee, Ward of Dale, Williams, Winston, Wright and Wood—69.

Nays—Messrs. Barry, Carpenter, Chapman, Clanton of Sumter, Fowler, Gilmore, Goode, Haden, Lockett, Lynch, Reid, Towles and Woolsey—13.

Mr. Curry, by leave, offered the following resolution:

*Resolved*, That the use of the hall of the House of Representatives, be granted to the American Party to-day after adjournment, at half past 1 o'clock, p. m.

Mr. Maples moved to amend by striking out "American" and inserting "Know Nothing."

The amendment was lost and the resolution was adopted.

Mr. Thornton moved to suspend the business before the House, to take up the Senate bill to apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts.

Carried.

The bill was read the first time, and on motion of

Mr. Thornton, the constitutional rule was suspended, and the bill was read the second time.

Mr. Powell moved to postpone the further consideration of the bill until Wednesday, the 7th inst., and to make it the special order for 11 o'clock, A. M., of that day. Lost.

Mr. Lynch moved as a substitute, the bill reported by the House committee.

Mr. Thornton moved to lay the substitute on the table.

Lost.

Yeas 38, nays 47.

Yeas—Messrs. Barry, Bernhard, Bradley, Brown of Tus-kaloosa, Byrne, Camp, Clanton of Sumter, Galloway, Garleck, Gilmore, Hancock, Hobbs, Howard, Jay, Jones, Kirkland, Lockett, Maples, Menasco, McClanahan, McConnell, McMullen, Miree, Moragne, Moorcr, Odem, Portis, Powell, Pynes, Reid, Sanford, Smith of Franklin, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, White and Wright.—38.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Belser, Bishop, Browder, Burgess, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Fowler, Goode, Graham, Grubbs, Haden, King, Langdon, Larkins, Little, Lynch, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Remson, Rhodes, Rice, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Dale, Williams, Winston and Wood—47.

Mr. Barry moved to amend the substitute so far as relates to the Senatorial Districts, as follows:

Tenth District—Dallas and Wilcox;

Thirteenth District—Perry and Autauga;

Fourteenth District—Lowndes and Butler.

Mr. Menasco moved to postpone the further consideration of the whole subject until Wednesday, the 6th inst.

Lost.

On motion of

Mr. Graham, the amendment of Mr. Barry was laid on the table.

Mr. Camp moved to amend so far the 21st Senatorial District is concerned, by striking out "Bibb" and inserting "St. Clair."

And on motion of

Mr. Graham, the amendment was laid on the table.

Mr. McClanahan offered the following amendment, viz:

That the 21st and 25th be so amended, as to let Bibb and Shelby constitute the 21st, and Jefferson and St. Clair to constitute the 25th.

On motion of

Mr. King, the amendment of *Mr. McClanahan* was laid on the table.

Yeas 50 ; nays 28.

Yeas—Messrs. Speaker, Alford, *Barry*, Beavers, Belser, Brown of Marion, Browder, Carpenter, Chapman, Clanton of Montgomery, Cochran, Curry, Fowler, Galloway, Gilmore, Goode, Graham, King, Kirkland, Larkins, Lynch, Maples, Menasco, McMullen, Milligan, Miree, Nabors, Peddy, Pennington, Pynes, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Williams, Wright and Wood—50.

Nays—Messrs. Bernhard, Bishop, Bradley, Brown of Tuskalooza, *Burgess*, Byrne, Camp, Clanton of Sumter, Crawford, Critcher, Davis, Ellis of Blount, Grubbs, Haden, Howard, Jay, Little, Lockett, McClanahan, McConnell, Moragne, Moorer, Nicholson, Odem, Owens, Portis, Powell, Reid, Sheffield and Winston—28.

Mr. Barry moved the indefinite postponement of the substitute.

The Chair (Mr. Curry in the chair) decided the motion to be out of order.

Mr. Speaker Walker moved to lay the bill and the substitute on the table.

Which motion prevailed.

Mr. Smith of Lauderdale moved to suspend the business before the House, to take from the table the substitute offered by Mr. Lynch.

Which motion prevailed.

Yeas 58 ; nays 24.

Yeas—Messrs. Speaker, Acree, Alford, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Carpenter, Chapman, Clanton of Montgomery, Cochran, Curry, Ellis of Blount, English, Fowler, Galloway, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, McMullen, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winston, Wood and Woolsey—58.

Nays—Messrs. Barry, Bernhard, Camp, Clanton of Sumter, Crawford, Davis, Ellis of Benton, Gilmore, Howard,

Langdon, *Maples*, *Menasco*, *McClanahan*, *McConnell*, *Miree*, *Moragne*, *Moorer*, *Odem*, *Powell*, *Reid*, *Smith of Franklin*, *Smith of Mobile*, *Thorn and Wright*—24.

On motion of *Mr. Clanton of Montgomery*, the previous question was called and sustained.

Yeas 46 ; nays 34.

Yeas—*Messrs. Speaker, Acree, Belser, Bishop, Bradley, Brown of Marion, Browder, Burgess, Carpenter, Chapman, Clanton of Montgomery, Critcher, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Jay, Jones, Kirkland, Larkins, Lockett, Lynch, Maples, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Towles, Ward of Cherokee, Ward of Dale, Williams and Wood*—46.

Nays—*Messrs. Barry, Bernhard, Brown of Tuskalooza, Byrne, Camp, Clanton of Sumter, Crawford, Curry, Ellis of Benton, Gilmore, Graham, Hobbs, Howard, Langdon, Little, Menasco, McClanahan, McConnell, McMullen, Miree, Moragne, Moorer, Odem, Powell, Reid, Smith of Franklin, Smith of Mobile, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, White, Winston and Wright*—34.

*Mr. Clanton of Montgomery* moved to suspend the constitutional rule, to give the bill a third reading forthwith, and the yeas and nays were called.

Yeas 55 ; nays 29.

Four-fifths not voting in the affirmative the motion was lost.

Yeas—*Messrs. Speaker, Acree, Alford, Belser, Bishop, Bradley, Brown of Marion, Browder, Burgess, Carpenter, Chapman, Clanton of Montgomery, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, McMullen, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Cherokee, Ward of Dale, Williams, Wood, and Woolsey*—55.

Nays—*Messrs. Barry, Beavers, Bernhard, Brown of Tuskalooza, Byrne, Camp, Clanton of Sumter, Crawford, Cunningham, Curry, Gilmore, Hobbs, Howard, Langdon, Menasco, McClanahan, McConnell, Miree, Moragne, Moorer, Odem, Powell, Reid, Smith of Franklin, Thornton, Thorn, White and Wright*—29.

The bill was then ordered to be engrossed.

Yeas 45 ; nays 38.

Yeas—Messrs. Speaker, Acree, Alford, Belser, Bradley, Brown of Marion, Browder, Burgess, Carpenter, Chapman, Clanton of Montgomery, Critcher, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Goode, Grubbs, Haden, Hancock, Jay, Jones, King, Kirkland, Larkins, Lynch, Maples, Milligan, Nabors, Nicholson, Owens, Peddy, Pennington, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Ward of Dale, Winston and Wood—45.

Nays—Messrs. Barry, Beavers, Bernhard, Bishop, Brown of Tuscaloosa, Camp, Clanton of Sumter, Crawford, Curry, Davis, Gilmore, Hobbs, Howard, Langdon, Little, Menasco, McClanahan, McConnell, McMullen, Miree, Moragne, Moorer, Odem, Portis, Powell, Reid, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Thornton, Thorn, White and Wright—38.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has passed the joint memorial of the Senate and House of Representatives of the General Assembly of the State of Alabama to the Congress of the United States.

The Senate has passed bills from the House of Representatives, of the following titles, viz :

An Act—

To authorize Thomas C. Brown to practice law in the several counties of this State ;

An Act—For the protection of public inn keepers ;

An Act—

To authorize one and the same person to hold the office of Judge of the Court of Probate and Clerk of the Circuit Court of the county of Marion ;

An Act—

For the relief of William ———, of Barbour county ;

An Act—

To enable Silas Morphew, of the county of Walker, to erect a dam therein named ;

An Act—

To change the time of holding the Chancery Courts for the counties of Lawrence and Lauderdale ;

An Act—

To change the time of holding the next Spring term of the Circuit Court of Talladega county—(amended by the Senate.)

An Act—To change the name of Sarah Cone.



The Senate has also originated and passed bills to be entitled as follows :

An Act—

To repeal in part section 397 of the Code of Alabama, in relation to licensing of Auctioneers, so far as the same applies to the county of Tuskaloosa ;

An Act—

For the benefit of John W. Weston ;

An Act—

To incorporate the Belmonte Male and Female Academy, in Sumter county ;

An Act—

To amend the charter of the North East and South West Alabama Railroad Company ;

An Act—

To authorize the Governor to issue certain sixteenth patents therein named ;

An Act—

To exempt certain persons therein named from working on public roads ;

Also,

A preamble and joint resolutions to the Congress of the United States, in reference to duty on Railroad Iron.

Mr. Speaker Walker (Mr. Curry in the chair) moved to suspend the business before the House, to take up the bill establishing Annual Sessions of the Legislature of the State of Alabama, &c.

Mr. Walker being entitled to the floor, the hour of half past 1 o'clock arrived, the House adjourned until to-morrow morning 9 o'clock.

TUESDAY, February 5, 1856.

The House met pursuant to adjournment.

On motion of

Mr. Maples, the reading of the Journal was dispensed with.

The Special committee, composed of the delegation from Coosa county, to whom was referred the petition of citizens of said county on the Court House question, have considered the same and instruct me to report to the House the accompanying bill to be entitled an act, to make permanent the Court House in the county of Coosa, and to recommend its passage.

N. S. GRAHAM,

GEO. TAYLOR,

Representatives of Coosa county.

The said bill was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. King moved to suspend the regular order of business, to allow the committees on Agriculture and Sixteenth Sections to report. Carried.

Mr. King, from the committee on Agriculture, to which was referred a bill to reclaim the swamp and overflowed lands in this State, reported a substitute therefor, which was adopted, and the constitutional rule being suspended, the same was read three times and passed, and ordered to be sent to the Senate.

Mr. Fowler, from the committee on Sixteenth Sections, to which was referred the Senate bill in reference to sixteenth sections in township 3, range 7, 11 and 12, in the county of Lauderdale, reported favorably to the same and recommended its passage.

Under a suspension of the constitutional rule, the bill was read three times.

Mr. Moorer moved to lay the bill on the table.

Carried.

Yeas 62 ; nays 14.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Bernhard, Bishop, Bradley, Burgess, Byrne, Camp, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Echols, Ellis of Blount, Ellis of Benton, Galloway, Gilmore, Goode, Grubbs, Haden, Hancock, Jay, Jones, King, Kirkland, Larkins, Lockett, Lynch, Menasco, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Portis, Pynes, Reid, Sanford, Sheffield, Smith of Mobile, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright, Wood and Woolsey—62.

Nays—Messrs. Speaker, Brown of Marion, Brown of Tuskalooza, Carpenter, Chapman, Fowler, Garleck, Howard, Little, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Randolph and White—14.

Report from the committee on Enrolled Bills :

Mr. Portis, from the committee on Enrolled Bills, reported the following as correctly enrolled, viz :

An Act—

To amend an act, approved February 15, 1854, and to extend the jurisdiction of the Probate Courts of the several counties of this State ;

An Act—

For the relief of William Head, of Barbour county ;

An Act—

To enable Silas Morpew, of Walker county, to erect a dam therein named ;

An Act—

The more effectually to secure subordination among slaves by requiring the owner or overseer to reside with them ;

An Act—

To authorize Thomas C. Brown to practice law in the several Courts of this State ;

An Act—

To change the time of holding the Chancery Courts for the counties of Lawrence and Lauderdale ;

An Act—

To incorporate the Alabama Copper Mining Company ;

An Act—

To change the name of Sarah Cone ;

An Act—

To authorize one and the same person to hold the office of Judge of the Court of Probate and Clerk of the Circuit Court of the county of Marion ;

An Act—

To amend the charter of the West Point, Georgia, and Tennessee River Railroad Company.

The House then proceeded to the consideration of the motion to reconsider the vote by which the House refused to pass, over the Executive veto, the Senate bill making appropriations for the completion of the Alabama Insane Hospital.

The same was reconsidered.

Yeas 52 ; nays 30.

Yeas—Messrs. Speaker, Barry, Bernhard, Belser, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Echols, Ellis of Blount, Fowler, Galloway, Gilmore, Graham, Howard, Jay, King, Kirkland, Larkins, Little, Menasco, McClanahan, McConnell, McMullen, Miree, Moorner, Nabors, Nicholson, Odem, Owens, Portis, Reid, Rhodes, Smith of Franklin, Smith of Mobile, Staton, Thornton, Thorn, Towles, White, Williams, Wright and Woolsey—52.

Nays—Messrs. Alford, Beavers, Bishop, Bradley, Burgess, Ellis of Benton, Garleck, Goode, Grubbs, Haden, Hancock, Jones, Lockett, Lynch, Maples, Milligan, Moragne, Pennington, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Lau-

derdale, Smith of Randolph, Taylor of Coosa, Ward of Cherokee, Ward of Dale, Winston and Wood—30.

The bill then passed.

Yeas 56 ; nays 33.

Yeas—Messrs. Speaker, Acree, Barry, Bernhard, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Echols, Fowler, Galloway, Gilmore, Hobbs, Howard, Jay, King, Kirkland, Langdon, Larkins, Little, Menasco, McClanahan, McConnell, McMullen, Miree, Moorer, Nabors, Nicholson, Odem, Owens, Portis, Powell, Reid, Rhodes, Smith of Franklin, Smith of Mobile, Taylor of Mobile, Thornton, Thorn, Towles, White, Williams, Wright and Woolsey—56.

Nays—Messrs. Alford, Beavers, Bradley, Burgess, Davis, Ellis of Blount, Ellis of Benton, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jones, Lockett, Lynch, Maples, Milligan, Moragne, Pennington, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Ward of Cherokee, Ward of Dale, Winston and Wood—33.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed House bills entitled as follows, viz :

To compensate John R. Robertson and Geo. W. Carriku, of Barbour county.

For the relief of Wm. T. DeWitt, of Barbour co., (amended by the Senate.)

To compensate Thos. S. Locke, of Barbour county, (amended by the Senate.)

In relation to hunting wild hogs in Marengo and other counties therein named, (amended by the Senate.)

For the relief of the Central Plank Road Company.

To incorporate the Alabama and East Tennessee Railroad Company.

To increase the license to sell ardent spirits within three miles of Montgomery, (amended by the Senate.)

To authorize Robert B. Witter to practice law in certain courts in this State.

For the relief of Richard K. Harrison and other persons therein named, of Autauga county.

For the relief of Jeanette C. Todd, of the county of Clarke.

Also, a Senate bill—

To prohibit the sale of spirituous liquors within one mile of

Fort Browder Academy, in Barbour county, in which the concurrence of the House is requested.

The hour of 1½ o'clock arrived, and

The House stood adjourned until 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called, and the following members answered to the call, viz :

Messrs. Speaker, Acree, Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Cochran, Critcher, Davis, Ellis of Blount, Goode, Haden, Hancock, Maples, McConnell, Moragne, Nicholson, Pennington, Powell, Rice, Sanford Sheffield, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, White and Wright.

No quorum present.

After some time the Speaker announced a quorum present, and the House proceeded to business.

Mr. Davis, by leave, offered the following resolution, which was adopted, viz :

*Resolved*, That the use of the Hall of the House of Representatives be tendered to the American party, at 7 o'clock, P. M., for the purpose of holding their State Convention.

A communication was received from the Governor in relation to the escape of a convict from the Alabama Penitentiary, which was referred to the committee on the Penitentiary.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on Divorce and Alimony.

Mr. Portis, from the committee on Enrolled Bills, reported the following entitled bill as correctly enrolled, viz :

An act for the relief of Jeanette C. Todd of the county of Clarke.

The engrossed bills—

To authorize the issuance of writs of attachment out of the Courts of Chancery.

For the relief of William Connaway, Tax Collector of Coosa county.

To regulate the distribution of property in certain cases.

In relation to the duties of grand juries—were severally read and passed.

The Senate bills—

To increase the amount of tax on peddling in the county of Pike.

To compel witnesses to testify in foreign suits.

To compensate jurors trying the right of property before Justices of the Peace.

To amend the 17th paragraph of section 397 of the Code.

To incorporate the Alabama Roofing Slate Company.

To authorize the Court of County Commissioners of Franklin county to make appropriations for the relief of certain persons therein named.

To incorporate the Alabama Coal Mining Company.

To grant the right of way to the Memphis and Charleston Railroad Company to extend their road from Stevenson, in Jackson county in this State, to the Tennessee line.

Amendatory of an act to amend the act incorporating the town of Athens, approved January 15, 1828—were severally read the third time, and passed.

The engrossed bill—

To regulate the license of peddlers in Chambers county—was read the third time, and passed.

Yeas 43 ; nays 11.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Echols, Garleck, Grubbs, Haden, Hancock, Hobbs, Howard, King, Kirkland, Larkins, Lockett, Maples, McClanahan, McConnell, Nicholson, Odem, Pennington, Portis, Powell, Pynes Rhodes, Rice, Sanford, Sheffield, Smith of Randolph, Thorn, Towles, Ward of Cherokee, White, Williams, Winston and Wood—43.

Nays—Messrs. Chapman, Cochran, Critcher, Davis, Ellis of Blount, Fowler, Goode, Graham, Menasco, Ward of Dale, and Wright—11.

The hour of 3½ o'clock having arrived, for which there was a special order,

Mr. Cochran moved to postpone the consideration of the same, and make it the special order for night sessions, after the reports from committees, which motion prevailed.

The engrossed bill—

For the relief of James Scales—was read the third time.

Mr. Goode moved to amend, by way of engrossed rider, as follows :

That the provisions of this act be extended to John W. Moore, of Mobile county.

Mr. Davis moved to suspend, to take up the Senate bill—Repealing section 110 of the Code.

Mr. Rice moved to lay the bill and amendment on the table.

The yeas and nays were called.

The bill was laid on the table.

Yeas 39 ; nays 31.

Yeas—Messrs. Speaker, Beavers, Bishop, Bradley, Brown of Tuskaloosa, Carpenter, Chapman, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Fowler, Garleck, Haden, Hancock, Jay, Jones, Kirkland, Maples, McClanahan, McConnell, McMullen, Moragne, Nicholson, Odem, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Thorn, Ward of Cherokee, Ward of Dale, White, Williams and Wright—39.

Nays—Messrs. Acree, Alford, Barry, Brown of Marion, Browder, Burgess, Camp, Clanton of Sumter, Cochran, Galloway, Goode, Graham, Grubbs, Howard, King, Larkins, Lynch, Milligan, Moorers, Nabors, Owens, Pennington, Portis, Pynes, Smith of Mobile, Smith of Randolph, Taylor of Coosa, Taylor of Mobile, Towles, Wood and Woolsey—31.

The engrossed joint resolutions in relation to appropriating and loaning money out of the State Treasury, were read the third time.

Mr. Goode moved to lay the bill on the table, and demanded the yeas and nays. Lost.

Yeas 35 ; nays 39.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Burgess, Carpenter, Clanton of Sumter, Cunningham, Davis, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Mirce, Nabors, Owens, Pennington, Portis, Pynes, Smith of Randolph, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White and Williams—35.

Nays—Messrs. Speaker, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Chapman, Cochran, Crawford, Critcher, Ellis of Blount, Galloway, Haden, Hancock, Howard, Jay, King, Larkins, Maples, McClanahan, McMullen, Moragne, Moorers, Nicholson, Odem, Powell, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Thorn, Ward of Cherokee, Wright, Wood and Woolsey—39.

Mr. Goode then moved to postpone the further consideration of the bill until Wednesday week. Lost.

The resolutions were passed.

Yeas 41 ; nays 36.

Yeas—Messrs. Speaker, Bishop, Bradley, Brown of Tuskaloosa, Browder, Camp, Chapman, Cochran, Crawford, Critcher, Ellis of Blount, Galloway, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Little, Lockett, Maples, McClanahan, McMullen, Moragne, Moorers, Nicholson, O dem, Powell,

Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—41.

Nays—Messrs. Acree, Alford, Barry, Beavers, Brown of Marion, Carpenter, Clanton of Sumter, Cunningham, Davis, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jones, Kirkland, Lynch, Menasco, McConnell, Milligan, Miree, Nabors, Owens, Pennington, Portis, Pynes, Smith of Randolph, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Williams and Wood—36.

Mr. Jay moved to reconsider the vote by which the bill to improve the Supreme Court Library was laid on the table.

Carried.

Mr. Moragne moved to postpone, &c., until Thursday week.

Lost.

The bill passed.

Yeas 44; nays 34.

Yeas—Messrs. Speaker, Acree, Barry, Beavers, Belser, Brown of Tuscaloosa, Browder, Camp, Carpenter, Clanton of Sumter, Cochran, Crawford, Curry, Echols, Galloway, Graham, Grubbs, Haden, Hobbs, Howard, Jay, Jones, King, Lynch, McClanahan, McConnell, Milligan, Moorner, Nabors, Odem, Pennington, Portis, Pynes, Remson, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Thornton, White, Wright, Wood and Woolsey—44.

Nays—Messrs. Alford, Bishop, Bradley, Brown of Marion, Burgess, Critcher, Cunningham, Ellis of Blount, Fowler, Garleck, Goode, Hancock, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McMullen, Miree, Moragne, Nicholson, Owens, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Williams and Winston—34.

The Senate bill:

To incorporate Society Hill Male Academy, was read the third time and passed.

Yeas 35; nays 33.

Yeas—Messrs. Speaker, Acree, Beavers, Belser, Brown of Tuscaloosa, Carpenter, Chapman, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Echols, Galloway, Grubbs, Haden, Howard, Hobbs, Jay, Jones, Larkins, McClanahan, Miree, Nicholson, Odem, Owens, Pynes, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Staton, Thornton, Thorn, and White—35.

Nays—Messrs. Alford, Bishop, Bradley, Brown of Marion, Burgess, Camp, Ellis of Blount, Garleck, Goode, King, Kirk-



land, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Pennington, Portis, Remson, Sanford, Sheffield, Smith of Randolph, Taylor of Coosa, Towles, Ward of Cherokee, Williams Winston, Wright and Wood—33.

The engrossed joint resolutions of the General Assembly of the State of Alabama were read the third time.

Mr. Critcher moved to lay on the table.

Lost.

The resolutions were passed.

The bill—

To regulate the sale of spirituous liquors in Harrel, or Cross Roads beat, in Dallas county, was read the third time, and lost.

Yeas 26; nays 37.

Yeas—Messrs. Speaker, Acree, Beavers, Crawford, Critcher, Cunningham, Curry, Echols, Galloway, Grubbs, Haden, Howard, Jay, Larkins, McClanahan, Miree, Nicholson, Odem, Owens, Pynes, Remson, Rice, Smith of Mobile, Thornton, Thorn and White—26.

Nays—Messrs. Alford Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp. Chapman, Clanton of Sumter, Garleck, Goode, Hancock, King, Kirkland, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Pennington, Portis, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Taylor of Coosa, Towles, Ward of Cherokee, Williams, Winston, Wright, and Wood—37.

Mr. Chapman, by leave, introduced a bill to repeal a certain act therein named, which was read the first time, and the constitutional rule being suspended, the same was read the second time.

The hour of 5½ o'clock arrived, and the House stood adjourned until to-morrow morning at 9½ o'clock.

WEDNESDAY, February 6, 1856.

The House met pursuant to adjournment.

The Journal was read and approved.

Mr. Sanford, from the committee on enrolled bills, reported the following bills as correctly enrolled, viz:

An act to amend an act to incorporate the Alabama and East Tennessee Railroad Company.

An act to authorize Robert B. Witter to practice law in certain courts in this State.

An act for the relief of the Central Plank Road Company.

An act to incorporate the Elba Insurance Company, of Coffee county, Alabama.

An act to compensate John R. Robertson and George W. Carriku, of Barbour county.

An act for the relief of Richard K. Harrison and other persons therein named, of the county of Autauga.

An act for the protection of public inn-keepers.

Call of the counties.

Mr. Ellis of Blount introduced a bill to authorize John Warmick to build a dam across the Warrior river, in Blount county.

Mr. Goode introduced a bill for the relief of M. W. Creah, guardian of the minor heirs of G. W. Creah, deceased.

Mr. Graham introduced a bill for the relief of James W. Jeter of Coosa county.

Mr. Kirkland introduced a bill to declare Luxapalisse creek, in Fayette county, a public highway—which were severally read the first time, and the constitutional rule being suspended, the same were severally read the second and third times, forthwith, and passed.

The bill for the relief of W. W. Creah, &c., and the bill to declare Luxapalisse creek, in Fayette county, a public highway—were severally ordered to be sent forthwith to the Senate.

Mr. Smith of Lauderdale introduced a bill to permit Sheriffs to take bond in certain cases, which was read the first time, and the rule being suspended, the same was read the second time forthwith.

Mr. Thornton moved to refer the bill to the committee on the Judiciary,

Which motion was lost.

Mr. Cochran moved to amend, by striking out all after the enacting clause and inserting the following, viz:

“That whenever any Judge or Chancellor admits a prisoner to bail, and bond is not given at once, the Judge may make an order, under his seal, stating the amount of bail required, and the Sheriff may take the bond required, and such bond shall be as binding as if it had been taken in open court.”

Said amendment was adopted.

Mr. Brown of Marion moved to refer the bill as amended to the committee on the Judiciary.

Lost.

Mr. Smith of Lauderdale moved to suspend the rule in order to give the bill a third reading.

Mr. Brown of Marion called for the yeas and nays on the motion to suspend.

And the motion to suspend was sustained.

Yeas 70 ; nays 1.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Sumter, Critcher, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Jay, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Moorner, Nabors, Nicholson, Odem, Owens, Pennington, Portis, Powell, Pynes, Reid, Renison, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Coosa, Thorn, Towles, Ward of Dale, White, Williams, Winston and Wright—70.

Nays—Mr. Brown of Marion—1.

The bill was read the third time and passed, and ordered to be sent forthwith to the Senate.

Mr. Wood moved to suspend the special orders, to proceed with the call of the counties.

Carried.

Mr. Galloway presented the account of P. D. Roddy, which was referred to the committee on Accounts.

Mr. Sheffield introduced a bill to appoint Commissioners for the town of Warrenton, in the county of Marshall, which was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Portis presented a petition from sundry citizens of the county of Monroe, in relation to the patrol law, which was referred to the committee on Propositions and Grievances.

Mr. Nabors introduced a bill to establish Jury trials in Justices' Courts, which was read the first time, and the rule being suspended, the same was read the second time and referred to the committee on the Judiciary.

Mr. Wood introduced a bill to exempt Justices of the Peace and Constables from working on public roads in the county of Randolph, which was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Garleck introduced a bill for the relief of Sixteenth Section fund in township 19, range 28, in Russell county,

which was read the first time, and the rule being suspended, the same was read the second time forthwith.

Mr. Maples moved to refer the bill to the committee on Sixteenth Sections.

Mr. Garleck called the yeas and nays on said motion.

The same was sustained, and the bill referred accordingly.

Yeas 39 ; nays 29.

Yeas—Messrs. Bishop, Bradley, Burgess, Byrne, Camp, Carpenter, Crawford, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Graham, Grubbs, Haden, Hancock, Howard, Jay, King, Larkins, Lynch, Maples, Menasco, McClanahan, Miree, Moragne, Moorner, Pennington, Reid, Remson, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Dale, White, Winston and Wright—39.

Nays—Messrs. Speaker, Alford, Beavers, Brown of Marion, Clanton of Montgomery, Critcher, Davis, Fowler, Garleck, Jackson, Kirkland, Lockett, McBride, McConnell, Nabors, Odem, Portis, Powell, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Randolph, Thornton, Towles, Ward of Cherokee, Williams and Wood—29.

Mr. Jackson introduced a bill to compensate Henry Harrell of Autauga county, which was read the first time, and the constitutional rule being suspended, the same was read the second time and referred to the committee on Propositions and Grievances.

Mr. Jackson asked and obtained leave to record his vote in the affirmative in the vote by which the House passed the bill to render more efficient the system of Free Public Schools in this State.

Also, to record his vote in the negative on the passage of the bill making an appropriation to complete the Alabama Insane Hospital.

Mr. Smith of Mobile moved to suspend the business before the House, to allow him to offer a resolution.

The House refused to suspend.

Said resolution is as follows :

*Resolved*, That after Saturday, the 8th instant, no more new bills shall originate in this House during the continuance of the session.

The House proceeded to the consideration of the first special order, it being the bill in relation to the government and revenue of Mobile county.

Mr. Howard moved to lay the bill on the table.

Carried.

The House then proceeded to the consideration of the next special order, it being the bill establishing Annual Sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof.

A message was received from the Governor, vetoing the bill to incorporate severally the villages of Hamburg and Perryville.

Mr. Cochran moved to suspend the consideration of the veto message to proceed with other orders.

Carried.

Mr. Smith of Lauderdale moved to suspend, &c., to offer a resolution. Lost.

Said resolution is as follows :

*Resolved*, That the Judiciary committee be, and they are hereby instructed to bring in joint resolutions calling a convention to revise the constitution.

Mr. Hobbs moved to suspend, &c., to allow a report from the committee on Education.

Lost.

The House proceeded to the consideration of the veto message of the Governor upon the bill to incorporate the village of Hamburg, and for other purposes, and the bill to incorporate the village of Perryville, and for other purposes.

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 6, 1856.

*To the House of Representatives.*

The bill to be entitled an act to incorporate the village of Hamburg, and for other purposes ; and the bill to be entitled an act to incorporate the village of Perryville, and for other purposes, I return to the House of Representatives, where they originated, without my approval.

These bills seem to be a copy of each other, and the objections to one will of course apply to the other. They are certainly strange bills. They provide, by title, for the incorporation of the villages named, and for other purposes ; but upon examination of the bills themselves, not a sentence is to be found going to incorporate either of them. The "other purposes" appear to be the whole object of each of them, and those "other purposes" are to prevent the sale of spirituous liquors within one mile of the centre of the villages named, except by a licensed physician, who shall take an oath that he will sell only for medicinal purposes, or upon the prescription of some other physician not sworn, nor so required to be. These bills, however, have certainly one merit: they do not

cloak their schemes of "Maine-liquor-law-ism" under any sectarian name or the cause of education—but only use for the purpose the names of a couple of unpretending villages that have no desire to be—or at least are not—incorporated by these bills. Nevertheless, I do not see that the prohibitory measures in these bills are less objectionable than those that have been better panoplied.

They propose to take the retail trade entirely away from the common citizen, and give it to the licensed physician—to constitute the latter druggist and professor of alcoholic drinks, to be dealt out in small quantities, "exclusively to suit purchasers," of which the professional skill of the physician selling is to enable him to be the judge. If this principle of retailing be correct, we shall be compelled to have a new chair inaugurated in our medical colleges—that of beverages in general, and alcoholic, in particular. I apprehend, however, if it be true, as is said, that nature is the great doctor and best teacher, that we have many sturdy citizens who are as capable of prescribing in their own cases, where liquor is concerned, as any young man from the colleges with an M. D. after his name—no matter through what alcoholic teachings he may have passed—and who are as capable of selling the intoxicating fluid as the M. D. himself, in proper quantities or *drachms* to suit purchasers and their immediate afflictions.

Respectfully,

JOHN A. WINSTON.

And the question being—"shall the bill to incorporate the village of Hamburg, and for other purposes, pass, notwithstanding the Executive veto?" the House refused to pass the same. Yeas 13; nays 59.

Yeas—Messrs. Speaker, Crawford, Critcher, Echols, Galloway, Gilmore, Hobbs, Jay, Larkins, McClanahan, Miree, Odem and Reid—13.

Nays—Messrs. Acree, Alford, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Camp, Carpenter, Cochran, Curry, Davis, Ellis of Blount, English, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, King, Kirkland, Little, Lockett, Maples, Menasco, McConnell, McMullen, Milligan, M. ragne, Moorér, Nabors, Pennington, Portis, Powell, Pynes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood—59.

Mr. Reid moved to postpone the further consideration of the said message, as it regards the village of Perryville, until Monday next.

Lost.

And the question being—"shall the bill to incorporate the village of Perryville, and for other purposes, pass, notwithstanding the Executive veto?" the House refused to pass the bill.

Yeas 12 ; nays 58.

Yeas—Messrs. Speaker, Crawford, Critcher, Echols, Hobbs, Jay, Larkins, McClanahan, Mirce, Odem, Reid and Thornton—12.

Nays—Messrs. Acree, Alford, Beavers, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Camp, Carpenter, Cochran, Curry, Davis, Ellis of Blount, English, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, King, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Portis, Pynes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood—58.

The House then proceeded to the consideration of the next special order, the Wills Valley Railroad bill.

Mr. Belser offered a substitute therefor.

A veto message was received from the Governor by J. D. Catlin, Jr., his Private Secretary, upon the bill to incorporate the East Alabama Male College, at Auburn, Macon county.

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 6, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the East Alabama Male College, at Auburn, Macon county, does not differ materially from other acts incorporating colleges, schools and academies, which have been returned with my objections. Those objections with me have not been removed, but rather strengthened by the great amount of legislation of this sort.

The bill differs from the general law of the Code on incorporations of this kind only in regard to the number of trustees and the amount of capital stock. The Code provides for nine trustees—this bill for forty-nine. The amount of property real and personal allowed to be held by this institution, over and above that provided for in the Code, as well as the

number of trustees—if it be thought that forty-nine, or any greater number than nine were necessary—could have been provided for by one short section of a general nature.

As an enemy to so much unnecessary legislation, at so great a cost, I return the bill without my approval.

Respectfully,

JOHN A. WINSTON.

Mr. Belser moved to postpone the further consideration of said message until to-morrow morning, 10 o'clock.

Lost.

Mr. Thornton moved to suspend the rule which requires the House to adjourn at half past 1 o'clock, P. M., to dispose of the message.

Lost.

And the question being—"shall the bill pass, notwithstanding the Executive veto?" The same was passed.

Yeas 67; nays 17.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Bradley, Brown of Tuscaloosa, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Larkins, Lynch, Maples, McBride, McClanahan, McVullen, Mirce, Moorer, Nabors, Nicholsen, Odem, Powell, Pynes, Reid, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winton and Wright—67.

Nays—Messrs. Beavers, Bishop, Burgess, Camp, Cletcher, Goode, Kirkland, Little, Lockett, Menasco, McConnell, Milligan, Moragne, Portis, Smith of Franklin, Taylor of Coosa, and Wood—17.

Said bill was ordered to be sent to the Senate.

The hour of half past 1 o'clock arrived, and the House stood adjourned until half past 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Goode moved a call of the roll.

The roll was called and the following members answered to the call:

Messrs. Speaker, Acree, Alford, Alston, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa,



Burgess, Chapman, Cunningham, Curry, Davis, Ellis of Blount, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Kirkland, Larkins, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Moragne, Nabors, Nicholson, Owens, Pennington, Portis, Powell, Remson, Rice, Sanford, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston, Wright and Wood.

Mr. Davis moved to suspend the regular order of business, &c., to allow him to offer a resolution, and the yeas and nays were demanded.

The motion prevailed.

Yeas 41 ; nays 23.

Yeas—Messrs. Alford, Beavers, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Camp, Carpenter, Chapman, Critcher, Curry, Davis, Echols, Ellis of Blount, Garleck, Haden, Howard, Jackson, Jay, King, Kirkland, Lockett, Maples, McBride, McConnell, Moragne, Moorer, Nabors, Pennington, Portis, Powell, Pynes, Reid, Remson, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, White, Williams, Winston and Wood—41.

Nays—Messrs. Speaker, Acree, Barry, Belser, Brown of Marion, Browder, Cochran, Cunningham, Goode, Grubbs, Hancock, Hobbs, Larkins, Lynch, Menasco, McClanahan, McMullen, Milligan, Nicholson, Olem, Rice, Thornton and Ward of Dale—23.

Mr. Davis then offered the following resolution :

*Resolved*, That no member shall be allowed to speak more than fifteen minutes at any one time, unless it be by unanimous consent of the House, except on the resolutions introduced by the gentleman from Franklin.

Mr. Owen, by leave, recorded his vote in the affirmative.

A message was received from the Governor by his Private Secretary, J. D. Catlin, Jr., vetoing the bill to incorporate the Fulton Male and Female Academy in Dallas county.

The House proceeded to the consideration of said message.

The message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 6, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the Fulton Male and Female Academy, in Dallas county, proposes to confer no power or privileges not now granted by the general law of

the Code of Alabama. The ends of the bill being fully attainable under the general law, I am unable to see the necessity of the passage of a special law like this. I, therefore, withhold my approval.

Respectfully,

JOHN A. WINSTON.

And the question—"shall the bill pass, notwithstanding the Executive veto?"

The same was lost. Yeas 9 ; nays 57.

Yeas—Messrs. Chapman, Crawford, Grubbs, Howard, Larkins, Miree, Rice, Thornton and Thorn—9.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Camp, Carpenter, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Garleck, Goode, Haden, Hancock, Hobbs, Jackson, Jay, King, Kirkland, Lockett, Lynch, Mapples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Odem, Owens, Pennington, Pynes, Remson, Rhodes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Williams, Winston, Wright and Wood—57.

The following entitled Senate bills were severally read the third time and passed :

For the relief of James J. Sublett.

To allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Ann Eliza Witherspoon, deceased, of Greene county.

The Senate bill to incorporate Fort Deposit Academy, in the county of Lowndes, was read the third time and lost.

The House proceeded to consider the Senate bill, to increase the salary of the Secretary of State.

The question being upon the motion to reconsider the vote by which the House refused to order said bill to a second reading.

The House refused to reconsider.

The House then proceeded to the consideration of the House bill to continue and complete the Geological Survey of the State.

Mr. Echols moved to lay the bill on the table.

Carried.

Yeas 43 ; nays 35.

Yeas—Messrs. Acree, Alford, Beavers, Bishop, Bradley, Brown of Marion, Browder, Burgess, Clanton of Sumter, Critcher, Davis, Echols, Ellis of Blount, English, Grubbs,

Haden, Jay, Kirkland, Little, Lockett, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Odem, Owens, Portis, Powell, Pynes, Rice, Sanford, Sheffield, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston and Wright—13.

Nays—Messrs. Speaker, Barry, Bernhard, Belser, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Curry, Ellis of Benton, Galloway, Garleck, Goode, Graham, Hancock, Hobbs, Howard, Jackson, King, Larkins, Lynch, McClanahan, Miree, Pennington, Reid, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Thornton, White and Wood—35.

The House proceeded to the consideration of the bill to repeal a certain act therein named.

Mr. Powell moved to refer to a select committee of five.

Lost.

Yeas 32 ; nays 47.

Yeas—Messrs. Barry, Belser, Brown of Tuskaloosa, Browder, Byrne, Carpenter, Clanton of Sumter, Crawford, Cunningham, Echols, Galloway, Hobbs, Howard, Jay, Langdon, Larkins, McBride, McClanahan, Milligan, Moorer, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Smith of Franklin, Smith of Mobile, Thornton, Ward of Dale, White and Wright.—32.

Nays—Messrs. Speaker, Acree, Alford, Beavers, Bishop, Bradley, Brown of Marion, Burgess, Camp, Chapman, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jackson, King, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Moragne, Nabors, Pennington, Portis, Pynes, Rice, Sanford, Sheffield, Smith of Lauderdale, Staton, Taylor of Coosa, Thorn, Towles, Ward of Cherokee, Winston and Wood—47.

Mr. Moorer moved to postpone, &c., until Friday next at 10 o'clock, A. M.

Mr. Reid moved to suspend regular business &c., to allow him to offer a resolution.

The House refused to suspend.

Yeas 13 ; nays 53.

Yeas—Messrs. Barry, Beavers, Browder, Camp, Crawford, Ellis of Benton, Howard, Jay, Menasco, McClanahan, Miree, Reid and Smith of Mobile—13.

Nays—Messrs. Speaker, Acree, Alford, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess,

Carpenter, Chapman, Clanton of Sumter, Critcher, Cunningham, Curry, Ellis of Blount, Fowler, Galloway, Garleck, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Larkins, Little, Lockett, Lynch, Maples, McBride, McConnell, McMullen, Milligan, Moragne, Nabors, Pennington, Portis, Powell, Pynes, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Coosa, Thornton, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood—53.

A veto message was received from the Governor, by J. D. Catlin, Jr., Private Secretary.

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 6, 1856.

*To the House of Representatives :*

I return to the House of Representatives, the bill to be entitled an act to prevent the sale of spirituous liquors within three miles of Monroeville, and within two miles of Philadelphia Church, in Monroe county, without my approval.

The bill presumes upon the necessity of the restrictions imposed to prevent the inhabitants of an area of six miles, and another of four miles, from the pernicious influence of intemperance. One of the points proposed to be protected, is the immediate vicinity of a church.

The law against the disturbances of public worship, is believed to be sufficient to protect those attending church from disturbance.

The multitude of bills of this character, if allowed to go into operation will chequer the State with proscribed and free limits, that present a picture anomolous and peculiar. I am of the opinion, that great moral reforms are more to be accomplished by wholesome advice and admonitions, and the practical teachings of temperance in all things, than by denunciations or legislative enactments.

It is the duty of the preacher, to preach down intemperance, and of the lecturer and reformer, to show the evils thereof by force of reason and argument, but it is not the duty or province of the legislator to impose by coercive measures, restraints on the social tastes and acts of American freemen.

Freemen are easily led when their judgment is convinced, but the same spirit that makes them freemen, makes them lard to drive. I believe that all true friends of temperance will, ere long, be convinced of the folly of coercive measures on this subject.

Respectfully,

JOHN A. WINSTON.

Mr. Cochran moved to suspend the further consideration on said message, to allow him to introduce joint resolutions, &c., and the yeas and nays were demanded on said motion.

Carried. Yeas 60 ; nays 17.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beavers, Bernhard, Betser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Camp, Chapinan, Cochran, Crawford, Curry, Echols, Ellis of Blount, Ellis of Denton, English, Galloway, Garleck, Graham, Grubbs, Haden, Hancock, Howard, Jay, King, Kirkland, Langdon, Larkins, Little, Lockett, Lynch, Mapes, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Owens, Pennington, Portis, Powell, Pynes, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Cossa, Thornton, Towles, Ward of Dale, Wright and Wood—60.

Nays—Messrs. Bradley, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Critcher, Fowler, Jackson, Menasco, Moragne, Oden, Reid, Rice, Sanford, Thorn, Ward of Cherokee and Winston—17.

Mr. Cochran then introduced joint resolutions of the General Assembly of the State of Alabama, providing for the call of a convention, which was read the first time.

Mr. Brown moved to lay the resolutions on the table.

Lost.

The resolutions were ordered to a second reading.

Message from the Governor by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles :

An act to amend an act, approved February 15, 1854, and to extend the jurisdiction of the Probate Courts of the several counties in this State ;

An act to authorize Thomas C. Brown, to practice law in the several counties of this State ;

An act, the more effectually to secure subordination among slaves, by requiring the owner or overseer to reside with them ;

An act to prevent more effectually the offences of burglary and theft in this State ;

An act to divorce Thomas D. Broadway from his wife, R. Minty Broadway ;

An act to consolidate the offices of Tax Collector and Assessor for the county of Hancock ;

An act to repeal in part act relative to Justices' Courts and for other purposes in certain counties therein named ;

An act to authorize the Comptroller of Public Accounts to purchase a fire proof safe ;

An act to authorize the Commissioners' Court of Pike county, to appoint one or more Assistant Surveyors in said county ;

An act to reduce the compensation of the Commissioners' of Roads and Revenue in Cherokee county ;

An act to change the time of holding the Winter term of the Chancery Court for Cherokee county ;

An act to remove the administration of the estate of R. D. Scott, late of Texas, deceased, from the county of Autauga to the county of *Montgomery* ;

An act authorizing auction sales in Cherokee county ;

An act to authorize the election of an additional Constable in beat No. 6, in the county of Coffee ;

An act to authorize the dismissal of suits in Chancery in vacation ;

And returns, the bill to be entitled an act to prevent the sale of spirituous liquors within three miles of *Monroeville*, and within two miles of Philadelphia Church, in Monroe county, without his approval and accompanied with his objections thereto.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, has approved of bills which originated in the House of Representatives, of the following titles :

An act to authorize the Sheriff of Sumter county to summon Bailiffs in certain cases ;

An act to enable Silas Morphew, of the county of Walker, to erect a dam therein named ;

An act for the relief of William Head, of Barbour county ;

An act for the benefit of L. H. Dickerson ;

An act to authorize Justices' of the Peace to have certain attachments executed ;

An act to consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

An act to change the time of holding the Chancery Courts for the counties of Lawrence and Lauderdale ;

An act for the relief of M. B. Breedlove ;

An act to prevent the burning of forests worked for turpentine ;

An act to authorize the administrator of the estate of R.

A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer time than one year ;

An act to authorize one and the same person to hold the office of Judge of the Court of Probate and Clerk of the Circuit Court of the county of Marion ;

And returns to the House of Representatives, without his approval, and accompanied with his objections thereto, a bill to be entitled an act, to incorporate the Fulton Male and Female Academy in Dallas county ;

And a bill to be entitled an act, to incorporate the East Alabama Male College at Auburn, Macon county.

The hour of half past 5 o'clock arrived, and the House stood adjourned until half past 7 o'clock this evening.

#### NIGHT SESSION, February 6, 1856.

The House met pursuant to adjournment.

Mr. Winston, from the committee on Banks and Banking, to which was referred the bill to authorize the burning of certain Bank Notes of the State Bank and Branches, reported adversely to the same.

Mr. Lynch moved to postpone the further consideration of said report and bill until Friday, the 8th instant, at 10 o'clock, A. M.

Carried.

Mr. Curry, from the committee on Internal Improvements, to which was referred the bill to incorporate the Tuscumbia and Columbus Railroad Company, reported favorably to the same.

Said bill was ordered to be engrossed.

Also,

Favorably to the bill to incorporate the Alabama and Florida Union Railroad Company—amended by striking out sections 11, 13, 14 and 15.

The said amendments were concurred in.

On motion of

Mr. Milligan, the constitutional rule was suspended, and the bill read the third time and passed.

Also,

Favorably to the bill to amend the West Point, Georgia, and Tennessee River Railroad Company, approved February 3, 1854.

The constitutional rule suspended and said bill was read the third time and passed.

Also,

Favorably to the bill to authorize the Mayor and Aldermen

of the city of Tuscaloosa, to subscribe for Stock in Railroads, as amended by the committee.

Said amendment was concurred in.

The constitutional rule being suspended, the bill as amended was read the third time and passed.

Mr. Hobbs, from the committee on Education, to which was referred a bill supplemental to an act entitled an act, to regulate the system of Public Schools in the county of Mobile, approved January 16, 1854, reported a substitute therefor. The said substitute was adopted.

The constitutional rule being suspended, the bill was read the third time and passed.

Mr. Hobbs, from same committee, to which was referred a resolution instructing said committee to enquire into the expediency of making some provision for the education of the Deaf and Dumb of the State, reported a bill in relation thereto, to be entitled an act for the relief of the Deaf and Dumb of this State.

Said bill was read the first time and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Smith of Lauderdale, from the committee on Corporations, reported favorably to the bill to incorporate the Etna Insurance Company, as amended by said committee, by striking out the 9th section.

The said amendment was adopted.

The constitutional rule being suspended, the bill was read the third time and passed.

Also,

Favorably to the bills to incorporate the Selma Receiving, Forwarding and Transportation Company ;

To incorporate the Central Agricultural Society at Selma ;

To incorporate the Pickens Insurance Company ;

The rule was suspended and the said bills were severally read the third time and passed.

Also,

Favorably to the bills to incorporate the Autaugaville Male and Female Academy ;

To incorporate the Jackson Guards ;

The rule being suspended, said bills were severally ordered to a second reading.

Also,

Favorably to the bill to establish a Medical Board in the county of Pickens—amended by the committee by striking out the sixth section.



Said amendment was adopted.

The rule being suspended, the bill was read the third time and passed.

Also,

Favorably to the bill to incorporate the Shelby Lime Company—amended by the committee by striking out in the second section, the following sentence, to wit:

“And for the purpose of transporting their lime and other articles to market, the Company may have and own and employ such boats, barges and other vessels, as they may deem necessary,” and by inserting immediately after the word “and,” which follows the sentence stricken out, the words “said Company,” so as to read “and said Company, &c.”

Said amendments were adopted.

The rule being suspended, the bill was read the third time and passed.

Also,

Favorably to the bill to incorporate the Mechanics' Saving Company of Mobile—amended by the committee as follows:

By adding another proviso, at the end of the first, in these words: “*Provided further*, That when any payment is made through mistake to the wrong person, said Company shall not be protected by the provisions of this section in such wrongful payment in an amount exceeding twenty dollars.”

Amended second, by striking out the third section.

Said amendments were severally adopted.

The rule being suspended, the bill was read the third time and passed.

Mr. Smith of Lauderdale, from same committee, reported adversely to the bill to incorporate the Wetumpka Steam Boat Company.

Mr. Graham moved to lay said report on the table.

Carried.

Mr. Haden moved that the House do now adjourn.

Lost.

Mr. Graham moved to amend by adding “five” in the body of the bill.

Adopted.

The constitutional rule was suspended and the said bill read the third time and passed.

Mr. Curry, from the committee on Internal Improvements, to which was referred the bill to prevent the taxation of Stock invested in Railroads, under certain restrictions, reported a substitute therefor.

Mr. Lynch moved to lay said bill and substitute on the table.

Mr. Thornton called for the yeas and nays on said motion.

The motion prevailed.

Yeas 46; nays 17.

Yeas—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Carpenter, Clanton of Sumter, Ellis of Benton, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Jay, Kirkland, Larkins, Lockett, Lynch, Menasco, McBride, McConnell, Milligan, Moragne, Moorner, Nabors, Nicholson, Oden, Pennington, Portis, Powell, Pynes, Rhodes, Sanford, Shenfield, Smith of Lauderdale, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Ward of Cherokee, Ward of Dale, White, Winston and Wright.—46.

Nays—Messrs. Camp, Chapman, Critcher, Cunningham, Curry, Hancock, Hobbs, Howard, Langdon, Maples, McClanahan, McMullen, Reid, Remson, Thornton, Wood, and Woolsey.—17.

Mr. Chapman, from same committee, to which was referred a bill to dispose of a portion of the two per cent. fund, reported favorably to the same.

Mr. Graham moved to postpone the further consideration thereof until 11 o'clock to-morrow morning.

Carried.

Mr. Taylor of Mobile, from same committee, reported favorably to the bill to improve the navigation of the Alabama river.

Mr. McMullen moved to postpone the further consideration of said bill and report until Friday next, at 11 o'clock, A. M.

Mr. Remson moved to postpone until Friday week.

Lost.

The question then recurred upon the motion of Mr. McMullen.

The same prevailed.

Mr. Smith of Lauderdale, from the committee on Banks and Banking, reported favorably to the Senate bill to amend an act to authorize and regulate the business of Banking, approved 12th February, 1850.

The bill was ordered to a third reading.

Mr. Hobbs, from the committee on Education, reported adversely to the bill for the benefit of certain institutions therein named.

Mr. Smith of Lauderdale, from the committee on Corpora-

tions, reported adversely to the petition of sundry citizens of Autauga county, in relation to the establishment of a military school and lottery.

Also,

Adversely to the bill to aid and establish a free public school in the town of Girard, in the county of Russell.

Said reports were severally concurred in.

Mr. Hobbs, from the committee on Education, reported favorably to the Senate bill to authorize the Superintendent of Public Schools, to transfer a certain amount of money from Township 9, Range 12, to Township 7, Range 12, in the county of Franklin.

The said bill was ordered to a third reading.

Also,

Adversely to the bill to regulate the school fund of Township 17, Range 17, in the county of Autauga.

Mr. Graham moved to postpone the consideration of said report and bill until 11 o'clock, A. M., to-morrow.

Which motion prevailed.

Mr. Chapman, from the committee on Federal Relations, reported favorably to the joint memorial of the General Assembly of the State of Alabama to the President of the United States.

Under a suspension of the rule, the said memorial was read the third time and adopted.

Mr. Chapman, from same committee, made the following report, viz :

The committee on Federal Relations, to whom was referred certain resolutions on the subject of the action of the government of the United States, in regard to the institution of slavery, have had the same under consideration, and direct me to report that the views of the committee on that subject having been fully expressed to the House in a series of resolutions heretofore reported by this committee and adopted by the House, that it is deemed unnecessary to act further upon the subject.

The committee, therefore, ask leave to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Also, reported back the joint memorial to the Congress of the United States, and asked to be discharged from its further consideration. The report was concurred in.

Mr. Smith of Lauderdale, from the committee on Corporations, reported adversely to the bill to incorporate the Mobile Transportation and Insurance Company.

Said report was concurred in.

Mr. Curry, from the committee on Internal Improvements, to which was referred the Senate bill to incorporate the Mobile and Great Northern Railroad Company, reported back the same with amendments.

Said amendments were adopted.

Mr. Cunningham moved to amend the same by adding additional sections 24, 25, 26, 27, 28, 29 and 30.

Said amendment was adopted.

The bill as amended was ordered to a third reading.

The hour of 9 o'clock, P. M., arrived, and the House stood adjourned until to-morrow morning, half-past 9 o'clock.

THURSDAY, February 7, 1856.

The House met pursuant to adjournment.

On motion of Mr. Maples,

The reading of the Journal was dispensed with.

Call of the counties.

Mr. Curry moved to suspend the call of the counties.

Carried.

Mr. Pennington moved to suspend to allow him to offer a resolution, and Mr. Bishop to present a petition. Lost.

Mr. Bishop presented a petition from sundry citizens of township 21, range 8, east, in Talladega county, which was referred to the committee on Education.

Mr. Smith of Lauderdale moved to suspend to offer a resolution. Lost.

Mr. Smith of Lauderdale, from the committee on Corporations, reported adversely to the following bills:

To incorporate the town of Pleasant Hill, Dallas county;

To amend an act to incorporate Bellville Male and Female Academy, &c.;

To incorporate the town of Fulton, in Dallas county;

To aid the Abbeville Academy in Henry county.

Mr. Graham, from the committee on Propositions and Grievances, reported favorably to the following:

The petition of Benjamin West, late Tax Collector of the county of Pickens;

The bill to make Parmelia C. Stone a free dealer;

The petition of the securities of the late Judge Thomas;

The petition of W. S. Averet;

The bill for the relief of John E. Jones, of Benton county;

The bill for the relief of Daniel A. Self, of Benton county;

For the relief of Benjamin F. Tucker, and other persons therein named;

For the relief of census takers in this State;

To prevent the sale of spirituous liquors within three miles Academies in Hanover Beat, in Coosa county;

The petition of W. C. Robertson and others, of Randolph county.

Mr. Graham, from the committee on Ways and Means, reported adversely to the following petitions, viz:

The petition of Joel Smith;

The petition of citizens of Sumter county, in relation to the collecting of taxes of said county;

The petition of Isham Kemball.

Said reports were severally concurred in.

Mr. Graham, from the committee on Propositions and Grievances, reported back the petition of sundry citizens of Chambers county, for the protection of stock keepers, and asked that the same be referred to the committee on the Judiciary.

Said report was concurred in and the petition so referred.

Mr. Brown of Tuskaloosa, from the committee on the University, reported adversely to the memorial from the Trustees of LaGrange College, &c.

Said report was concurred in.

Mr. Beck, from the committee on Corporations, reported back the bill, to incorporate the Marion Insurance and Trust Company—amended by striking out the ninth section.

Said amendment was adopted and the bill as amended was ordered to a third reading.

Mr. Beck, from the same committee reported favorably to the Senate bill, to alter and amend the charter of the town of Eufaula.

Also,

To the Senate bill, to amend the charter of the town of Marion, in the county of Perry.

Also,

To the Senate bill, to incorporate the Alabama Fire Engine Company, No. 2.

Said bills were severally ordered to a third reading.

Mr. Graham, from the committee on Propositions and Grievances, to which was referred the petition of merchants and others of the city of Mobile, in relation to lien on steam boats, with a bill accompanying said petition, reported a substitute therefor.

Said substitute was adopted and ordered to be engrossed.

Mr. Beck, from the committee on Corporations, to whom was referred the bill for the relief of shipper's of produce

and merchandize on railroads, reported a substitute therefor. Said substitute was adopted, and under a suspension of the rule, ordered to be engrossed.

Mr. Graham, from the committee on Propositions and Grievances, to which was referred the petition of Thomas Chilcoat, of Hancock county, reported a bill to compensate Thomas Chilcoat, of Hancock county, which was read the first time and the rule being suspended, the same was read the second and third times forthwith and passed.

Also,

A bill for the relief of Peter McGee, late Tax Collector of Pickens county, which was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed.

Also,

Favorably to the bill to compensate Physicians for certain services there named.

The rule being suspended, the same was ordered to be engrossed

Mr. Graham moved to suspend, &c., to allow committees to report. Carried.

Mr. Graham, from the committee on Propositions and Grievances, reported favorably to the bill, the better to preserve the journals of the General Assembly of the State of Alabama.

The rule being suspended, the same was read the third time and passed.

Also,

Favorably to the Senate bill, to authorize the Court of County Commissioners of Madison and Jackson counties, to pay certain persons for certain services therein mentioned.

Mr. Haden moved to amend as follows:

By adding "that the Commissioners' Court of Madison county, be instructed and authorized to pay W. L. Hernbuckle, the sum of fifty-two 32-100 dollars, and pay John Aday, ten dollars."

Said amendment was adopted, and the rule being suspended, the said bill as amended was read the third time and passed.

Also,

Favorably to the bill, to authorize William Weathington, of the county of Walker, to erect a mill dam therein named.

The constitutional rule was suspended and the said bill was read the third time and passed.

Also,

Favorably to the bill, for the relief of Horatio Furgerson and Jeremiah La'arlette, of Marshall county.

The constitutional rule was suspended and the bill was read the third time and passed.

Mr. Graham, from same committee, reported favorably to the following Senate bills, viz :

The bill to establish a Board of Botanic Physicians, in the State of Alabama.

The bill for the relief of Jas. M. Petty, of Fayette county.

The rule was suspended and the said bills were severally read the third time and passed.

Mr. Beck, from the committee on Corporations, reported favorably to the Senate bill—to incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama, as amended by said committee, by striking out the tenth section.

Also, favorably to the Senate bill—

To incorporate the Macon County Railroad company, amended by the committee, by striking out of the ninth section these words: "which judgment shall be a lien upon the real and personal estate of said stockholders."

The said several amendments to said bills were adopted, and the bills were severally ordered to a third reading.

Mr. McClanahan, from the committee on Propositions and Grievances, reported favorably to the bill—

To prevent the sale of intoxicating liquors within two miles of Horace Wall's Iron Furnace and Foundry, in Shelby county, and moved to suspend the rule, to give the bill a third reading.

Said motion was lost, and the bill was ordered to be engrossed.

Mr. Reid moved to reconsider the vote by which the House concurred in the adverse report of the committee on Corporations on the bill to incorporate the Bellville Male and Female Academy.

Said motion prevailed, and the vote was reconsidered.

Mr. Jay moved to lay the report on the table. Lost.

The report was concurred in.

Mr. Brown of Tuscaloosa, from the committee on the University, made the following

#### REPORT:

The committee to whom was referred the Report of the Trustees of the University of Alabama, and that part of the Governor's *Message* relating to that Institution, beg leave to report:

That they find nothing in them requiring legislative enactment. Whilst they are happy to observe, from the facts embodied in the Report, the growing prosperity and increasing usefulness of our State University; they feel that their duty would not have been fully performed, should they suffer the opportunity to escape them of presenting one or two general considerations, to awaken a more lively interest in its favor.

That the subject of education is beginning to receive more attention than heretofore, recent legislation has abundantly proved—that the people are not indifferent to the intellectual progress of the State, is evident from the almost universal approval which greeted the passage of the law establishing common schools. Your committee desire through this body to stimulate a laudable zeal in the good people of the State, on the subject of education, by presenting in a concise manner the claims of our State University, upon their cordial support and patronage. A consideration of the advantages to be derived from the *home education* of our youth, ought to induce every patriotic citizen to desire to see this institution the nursery of the future lawgivers and citizens of this commonwealth. We who occupy these seats will soon make way for the stripplings, who now “with satchel and shining morning face, are creeping unwillingly to school.” The increasing wealth and intelligence of the people will insure to the young men of this State a liberal education. But our citizens seem to have no just sense of the importance of the question. Where shall this education be received: from what fountain shall the intellectual manhood of the State draw its early nourishment?

The life of a people bears no unimportant resemblance to the life of the individual man. As there is an organic connection between the parent and the child, so there is an organic connection between the State and the youth, who are hereafter to guide her destinies. Shall they be severed from the associations and influences of their native soil, to grow up to manhood in other States, under the training of those who know us not, and whom we do not know? Shall they imbibe opinions in politics and ethics, from institutions over which we have no oversight and no control? Shall they be for four long years separated from the great family fireside where all the sons of Alabama have a right to congregate, so that when they return, they come home strangers in the land of their birth, strangers to their fellows with whom they were accustomed to mingle in the sports of the play-ground?

There is no one influence which can tend so powerfully to compact a nation's strength, as the education of her sons at



home. The arena of university competition is the miniature of the broad field of real life. Those who meet there only part to meet again, and to engage in the sterner and more momentous labor of practical service to the country. How important that they should have measured arms before—how important that they should have formed those abiding friendships and contracted those generous sympathies, which will assuredly ripen into an ingenious and noble alliance for the promotion of the public good. We know not what contingencies may soon arise, that will call for the resources of intellectual strength in our young State. In the peaceful councils of the nation, Alabama ought to be represented by Alabamians. If ever the trumpet should call her sons to battle, they should be found at home, ready to buckle on their armor in defence of her honor and her rights. If ever the blood of her sons must be spilt, let it be drawn from the veins of those who have never been weaned from her own maternal bosom.

A wise foresight of possible contingencies, and a high regard for our future renown, ought to impress upon our minds the importance of the doctrine that *Alabamians should be educated in Alabama*. If we would legislate not only for ourselves, but for posterity; if we would have future generations “rise up and call us blessed;” if we would lay the foundations of a commonwealth, great, not only in commerce, arts and arms, but great in the possession of men—“high-minded men, who know their rights, and who knowing, dare maintain them;” then let us encourage the people in the home education of their sons, and let us foster our own institutions.

The time has long gone by, when a petty jealousy of intellectual superiority, or a reckless disregard of the most sacred interests, can avail to shake the profound convictions entertained by our people of the necessity of a higher education than that furnished in the common schools and academies. It is the province of a wise system of legislation to direct the minds of the people towards those fountains of learning that well up in the midst of them.

A loyal devotion to our own soil and an ingenious State pride, ought to stimulate the people to the cordial support and patronage of our University. The fact that it is *ours*, ought to incite us to resolve that it *shall be worthy of us*. Shall Alabama, who holds the royal sceptre of commerce—shall Alabama, in whose teeming bosom lie all the material munitions of war—shall Alabama, from whose vast forests may be reared “wooden walls” to encircle the globe—shall she, with all the resources of Agriculture, all the material of arts and arms,

consent to be a mere dependency of the old Thirteen for her intellectual wealth and culture? Are we quite willing to admit, that while we can make cotton and build railroads, we are yet unable to train *men*? Have we no desire to be able to point to some one monument of our high appreciation of those liberal arts which are at once the cause and the effect of a high civilization?

England boasts of her Oxford, founded by

"The pious Alfred, King to justice dear,  
Lord of the harp and liberating spear."

Massachusatts points us to her Harvard, now venerable in age, but vigorous in the life of her people, and proudly erect among her sons, who stand as pillars round a palace. Virginia gathers her sons beneath the ample dome of her stately University, to offer an annual libation to the honor of her Jefferson.

And shall Alabama send her children from her bosom only to swell the ranks of those who are taught to believe that nothing of intellectual glory, and nothing of the renown of letters can germinate at home? Is it true, then, that no good thing can come out of Nazareth? Let us see.

The facts and figures connected with our University will prove that it has had only one deficiency. All that it wants is a large number of students. Not like those institutions which have been founded by private munificence, and which, on account of scanty means have slowly attained their maturity of capacity to educate, the University of Alabama came into the great circle of literary institutions like Minerva, fully equipped for generous competition in the world of letters.

No one has ever denied that all the facilities of education are there to be found. For more than twenty years it has been quietly performing its work; annually sending forth a body of graduates that will compare with those of any sister institution—young men of education and genius, that are now to be found achieving their own fame in all the nobler walks of professional and private life. What more would you have?—There she stands, ready to do her appropriate work, if the people will only give her the work to do.

N. H. BROWN,  
Chairman.

Mr. King moved that 500 copies of said report be printed for the use of the House:

Mr. Gilmore moved that 500 copies of the Report of the Trustees of the University be printed.

Said motion prevailed.

Yeas 49 ; nays 23.

Yeas—Messrs. Speaker, Acree, Belser, Brown of Marion, Brown of Tuscaloosa, Browder, Camp, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Curry, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Hancock, Hobbs, Howard, Jackson, King, Langdon, Larkins, Lynch, McConnell, Milligan, Nabors, Nicholson, Odem, Peddy, Pennington, Portis, Powell, Remson, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Thornton, Thorn, Towles, Winston and Woolsey—49.

Nays—Messrs. Beavers, Bishop, Bradley, Burgess, Critcher, Davis, Ellis or Blount, Ellis of Benton, English, Kirkland, Little, Lockett, Maples, Menasco, McBride, McClanahan, McMullen, Owens, Pynes, Reid, Sanford, Staton and Ward of Cherokee—23.

Mr. Belser moved to suspend all business before the House, to take up the bill establishing annual sessions of the Legislature, &c.

Carried.

And the House proceeded to consider said bill.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary, returning the House bill—To incorporate the Planters' Factory, at Autaugaville, without his approval, accompanied with his objections thereto.

Mr. Cochran moved to suspend the consideration of said message until to-morrow, at 11 o'clock, A. M.

Carried.

Mr. Cochran moved to suspend the further consideration of the bill, establishing Annual Sessions, &c., to take up the joint resolutions, &c., providing for the call of a convention.

Lost.

The question being upon the motion of Mr. Powell, to indefinitely postpone the further consideration of the bill, establishing Annual Sessions of the Legislature, &c., the same was lost.

Yeas 29 ; nays 52.

Yeas—Messrs. Speaker, Beavers, Brown of Marion, Browder, Byrne, Chapman, Cochran, Ellis of Benton, Gilmore, Haden, Howard, Jay, Jones, Kirkland, Lynch, Menasco, McConnell, Miree, Pennington, Powell, Reid, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, White, Williams, Winston and Wood—29.

Nays—Messrs. Acree, Alford, Barry, Bernhard, Belser,

Bishop, Bradley, Brown of Tuscaloosa, Burgess, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Garleck, Goode, Grubbs, Hancock, Jackson, King, Langdon, Larkins, Little, Lockett, Maples, McBride, McClanahan, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Odem, Peddy, Portis, Pynes, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Thornton and Thorn—52.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed, notwithstanding the Executive veto, a bill entitled an act to repeal in part an act, to amend the charter of the Northern Bank of Alabama, at Huntsville.

Also,

A bill entitled an act, for the relief of Jane Cothran, of the county of Perry.

Mr. Remson moved to suspend the veto message from the Senate until to-morrow 11 o'clock, A. M.

Carried.

Mr. Belser moved to lay the amendment offered by Mr. Curry on the table.

The yeas and nays were demanded.

The amendment was laid on the table.

Yeas 48 ; nays 39.

Yeas—Messrs. Acree, Alford, Barry, Bernhard, Belser, Bradley, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Crawford, Critcher, Curry, Davis, Echois, Ellis of Benton, Fowler, Garleck, Graham, Jones, King, Langdon, Little, Lockett, McBride, McClanahan, McMullen, Milligan, Moragne, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Remson, Rhodes, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton and Thorn—48.

Nays—Messrs. Speaker, Beavers, Bishop, Brown of Marion, Brown of Tuscaloosa, Browder, Chapman, Clanton of Sumter, Cochran, Cunningham, Ellis of Blount, Gilmore, Goode, Grubbs, Haden, Hancock, Howard, Jackson, Jay, Kirkland, Larkins, Lynch, Maples, Menasco, McConnell, Miree, Moorer, Pynes, Reid, Sanford, Smith of Randolph, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—39.

Mr. Remson moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Carried.

Veto message received from the Governor and suspended.

Mr. Jones moved to lay the bill on the table.

Lost.

Yeas 40 ; nays 46.

Yeas—Messrs. Speaker, Beavers, Brown of Marion, Brown of Tuskaloosa, Browder, Chapman, Cochran, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, Kirkland, Lynch, Maples, Menasco, McClanahan, McConnell, Miree, Pennington, Powell, Reid, Rice, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winston and Wood—40.

Nays—Messrs. Acree, Alford, Barry, Bernhard, Belser, Bishop, Bradley, Burgess, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Echols, Fowler, Garleck, Goode, Graham, Jackson, King, Langdon, Larkins, Little, Lockett, McBride, McMullen, Milligan, Moragne, Moorcr, Nabors, Nicholson, Odem, Owens, Peddy, Portis, Pynes, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Thornton and Thorn—46.

Mr. Brown of Marion moved to indefinitely postpone the bill.

Lost.

Yeas 39 ; nays 47.

Yeas—Messrs. Speaker, Beavers, Beck, Brown of Marion, Brown of Tuskaloosa, Browder, Chapman, Cochran, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, Kirkland, Larkins, Lynch, Menasco, McClanahan, McConnell, Miree, Powell, Reid, Rice, Sanford, Smith of Randolph, Taylor of Chambers, Towles, Ward of Cherokee, Williams, Winston, Wright and Wood—39.

Nays—Messrs. Acree, Alford, Barry, Bernhard, Belser, Bishop, Bradley, Burgess, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Davis, Echols, Fowler, Garleck, Goode, Graham, Jackson, King, Langdon, Little, Lockett, Maples, McBride, McMullen, Milligan, Moragne, Moorcr, Nicholson, Odem, Owens, Peddy, Portis, Pynes, Remson, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Thornton and Thorn—47.

The bill was then passed.

Yeas 45 ; nays 40.

Yeas—Messrs. Acree, Alford, Barry, Bernhard, Belser,

Bishop, Bradley, Burgess, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Davis, Echols, Fowler, Garleck, Goode, Graham, Jackson, King, Langdon, Little, Lockett, McBride, McMullen, Milligan, Moragne, Moorner, Nicholson, Odem, Owens, Peddy, Portis, Pynes, Remson, Rhodes, Sheffield, Smith of Frank-Smith of Lauderdale, Staton, Thornton and Thorn—45.

Nays—Messrs. Speaker, Beavers, Beck, Brown of Marion, Brown of Tuskalooza, Browder, Byrne, Chapman, Cochran, Cletcher, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, Kirkland, Larkins, Lynch, Maples, Menasco, McClanahan, McConnell, Miree, Pennington, Powell, Reid, Rice, Sanford, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Cherokee, White, Williams, Winston and Wood—40.

Mr. Portis, from the committee on Enrolled Bills, reported the following as correctly enrolled, viz :

The committee on Enrolled Bills, to which was referred the following bills, have examined the same and instruct me to report the same as correctly enrolled :

An act for the further security and protection of the State in Railroad loans ;

An act authorizing the garnishment of private corporations ;

An act to retake the testimony of witnesses in certain cases.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles :

An act to legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

An act to regulate the number of Grand Jurors in the county of Marion ;

An act to amend the criminal law ;

An act to authorize the Mississippi, Gainesville and Tuskalooza Railroad Company, to issue mortgage bonds and dispose of the same

An act to change the time of holding the Chancery Court in Wilcox county ;

An act amendatory to an act, establishing Commissioners' Districts in the county of Walker, approved January 6th, 1852 ;

And the bill to be entitled an act, to incorporate the Planters' Factory, at Autaugaville, is returned without the approval of the Executive, and accompanied with his objections thereto.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency has approved of bills of the following titles :

An act to amend the road laws in Cherokee county ;

An act to incorporate the Pickens and Noxubee, Mississippi, Railroad Company ;

An act to divorce Susannah Caple from her husband, Samuel Caple and other persons therein named ;

An act to repeal an act therein named ;

An act for the relief of Hosea Lecroy, of Coosa county ;

An act to compensate Stephen M. Swain, of Mobile county ;

The bills to be entitled :

An act for the relief of Henry M. Elmore and others ;

An act to incorporate the Commerce Street Hotel Company, of Montgomery ;

An act to incorporate the Hillabee and Goldville Mining Company ;

An act to incorporate the Male and Female Seminary, in the town of Somerville, Morgan county ;

An act to incorporate the Spring Hill Male and Female Academy, in Marengo county ;

An act to incorporate the Calhoun Literary Society, of Somerville, Morgan county, are herewith returned to the House of Representatives, without the approval of the Executive, and accompanied with his objections thereto.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed House bills, entitled as follows :

To regulate fees for marriage license in Benton county ;

For the benefit of Sumter county ;

For the relief of the administrator of the estate of Thomas S. Mays and others.

The Senate has originated and passed bills, entitled as follows :

To change the time of holding the Chancery Courts in Benton and Talladega counties ;

To incorporate the Madison Rifles ;

For the benefit of A. P. Barry, J. P. Spencer, and their successors ;

To incorporate the Jackson Guards, in Autauga county ;  
 To amend an act incorporating the town of Opelika ;  
 To authorize the conferring of diplomas at the Southern  
 Military Academy of Chambers county—the Executive veto  
 to the contrary, notwithstanding.

The hour of half past 1 o'clock having arrived, the House  
 stood adjourned until half past 3 o'clock, this evening.

#### AFTERNOON SESSION, February 7, 1856.

The House met pursuant to adjournment.

On motion of

Mr. Williams, the roll was called, and the following members answered to the call.

Messrs. Speaker, Acree, Alford, Barry, Beavers, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Camp, Carpenter, Chapman, Cochran, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Mirree, Moragne, Moorer, Nabors, Nicholson, Odem, Peddy, Pennington, Portis, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wright and Woolsey—68.

Mr. Critcher moved to suspend the regular order of business, to take up the bill in regard to the two and three per cent. fund. Lost.

Mr. Davis moved to suspend, to offer a resolution.

Lost.

The House proceeded to the consideration of the veto message of the Governor, on the bill to incorporate the Planters' Factory, at Autaugaville.

The message was read, and is as follows, viz :

#### EXECUTIVE DEPARTMENT, February 7, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the Planters' Factory, at Autaugaville, contains, to my mind, some extraordinary privileges and provisions—such as, under no circumstances, could receive my sanction. The provision authorizing the increase of stock to half a million of dollars, is itself—if intended for any thing else than to place it out of the general law—and even then, objectionable.



The third section of the bill is in these words :—

“ That it shall not be lawful for any person or copartnership, to retail or vend ardent or intoxicating liquors within two miles of the factories of said corporation ; and any person or persons, so offending, shall forfeit and pay the sum of one thousand dollars for every such offence, recoverable before any Court having competent jurisdiction thereof, one-half to the prosecutor and the other half to be paid into the county Treasury.”

Some over zealous enthusiasts, may be of the opinion, that young women and young men cannot be safely educated in a village where spirituous or vinous liquors can be obtained, or that a majority of any such locality, have a right to prescribe the vocation of others and to regulate their appetites and views of propriety ; but I had not supposed, that a company, asking special favors for itself, would, at this day, and in this State, propose, merely by its will, to interdict and proscribe the business of others. It may be that the “ lords of the loom,” in the hireling States, may be so shackle and bind down the thoughts and acts of their white slaves ; but the freemen of Alabama, though they may be reduced to work in factories, are not yet reduced to that sort of vassalage.

If it be so, that the sale of liquor is to be inhibited within two miles of churches, academies and factories, because of the extreme drunkenness of our people, we must indeed have fallen from our high estate and capacity for self-government, and be a benighted and God-forsaken set.

Should this bill become a law, no future action or expression of the wish of *all* the inhabitants of the prescribed area, could repeal it, without the consent of the incorporation. So far as any evidence accompanies the bill, not one of the citizens of the prescribed circle, has asked for the passage of such an act, stripping the citizens of the privileges of freemen ; but had they asked for such an act, they have no right to vest such a privilege in a private corporation, which is in no particular, essential to the objects of the corporations.

Respectfully,

JOHN A. WINSTON.

The question being, “ shall the bill pass notwithstanding the Executive veto ? ”

The House refused to pass the bill.

Yeas 23 ; nays 47.

Yeas—Messrs. Speaker, Crawford, Critcher, Cunningham, Curry, Echols, Fowler, Haden, Hobbs, Howard, Jackson, Jones, Miree, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Rice, Thornton, Thorn and White—23.

Nays—Messrs. Acree, Alford, Beavers, Bradley, Brown of Marion, Brown of Tuskalooza, Burgess, Camp, Chapman, Cochran, Davis, Ellis of Blount, Garleck, Goode, Grubbs, Hancock, King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood—47.

The House proceeded to the consideration of the veto message, on the bill for the relief of Henry M. Elmore, and others.

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 7, 1856.

*To the House of Representatives :*

The bill to be entitled an act for the relief of Henry M. Elmore, and others, proposes to extend debts due by the said Elmore and others to the Bank of the State of Alabama, at Montgomery. In my communications to the Legislative department, I have urged upon its consideration the propriety of an early closing up of all the affairs of the old State Bank and Branches. If the Legislature would cause an expose to be made of the good debts due to these Banks, and which have been permitted to lie over from time to time, whilst others have been forced into prompt settlements, I am of the opinion that the public would be greatly benefitted thereby ; and at the same time, the impediments to a final settlement of the affairs of these Banks be made manifest.

I have no means of knowing who have been allowed to owe heavy debts, nor have the people ; and consequently suggest the propriety of a publication of the liabilities on the part of Bank debtors. The people of the State have a right to know who they are, who have been favored, and the places they occupy in the country.

I have no doubt that the parties for whose benefit this act is intended, are as much entitled to an extension of their debts as any that could be presented ; but with my views of public duty, I cannot give the proposition my approval.

Respectfully,

JOHN A. WINSTON.

The question being, "shall the bill pass notwithstanding the Executive veto?" the same was passed.

Yeas 75 ; nays 4.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, Kirkland, Langdon, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Moorer, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright, Wood and Woolsey—75.

Nays—Messrs. Beavers, Burgess, Goode and King—4.

The House then proceeded to consider the veto message, on the bill to incorporate the Hillabee and Goldville Mining Company.

The message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 7, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the Hillabee and Goldville Mining Company, is like other special acts that I have already sent back to the Legislature with my objections. All the objects proposed by this bill could be attained under the general law, except the holding of \$200,000 of capital stock, and the privilege of increasing it to \$500,000, if the Company should see proper to do so ; all of which could have been granted by a simple amendment of the general law in regard to Mining and Manufacturing Companies. Where the ends can be so easily reached by less expense than by such special legislation, I am not disposed to sanction such bills. I return it to the House without my approval.

Respectfully,

JOHN A. WINSTON.

And the question being, “ shall the bill pass notwithstanding the Executive veto ? ”

The same was passed.

Yeas 58 ; nays 13.

Yeas—Messrs. Speaker, Acree, Barry, Belser, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Ellis of Blount, Fowler, Garleck, Graham, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Langdon, Larkins, Lockett, Ma-

ples, McBride, McMullen, Miree, Moorer, Nabors, Nicholson, Odem, Peddy, Portis, Powell, Pynes, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Williams, Winston, Wright, Wood and Woolsey—58.

Nays—Messrs. Beavers, Bradley, Burgess, Davis, Ellis of Benton, Goode, Grubbs, Kirkland, Little, Menasco, McConnell, Moragne and Pennington—13.

The House then proceeded to consider the veto message, on the bill to incorporate the Chunnuggee Female College of Macon county.

The message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 1, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the Chunnuggee Female College, of Macon county, is in no material particular different from the various bills of like character which I have returned to the two Houses of the Legislature without my approval.

I have thought, and still think, that the most appropriate mode of legislation, especially on a subject in which there is no conflict of opinion, like that of education, would be to make a general law that would place every community, desirous of establishing institutions of learning, upon the most favorable footing, and be equal alike to all. The numerous applications for incorporation of colleges and academies have demonstrated to my mind the correctness of the views I entertain.

The eighth section of the bill under consideration, prohibiting the sale of spirituous liquors or wines within three miles of the college, is an exercise of authority not demanded by the purposes or necessities of conducting a Female College. It may be possible or probable, that where liquor is sold near a college for the education of boys or young men, that they would sometimes become purchasers ; but for the protection of female schools, certainly no such prohibitory enactments are demanded in any neighborhood in Alabama.

If it be proper to adopt an anti-liquor policy, let it be done ; but do not attempt an introduction of the policy under the protection of education, or assume that such legislation is necessary for the success of our schools and colleges. Those who endow a college under the provisions of this bill, assume the prerogative of interfering with the business, interest and

liberty of other citizens living within the prescribed circle of three miles of any point where the company may choose to locate its buildings.

It is disagreeable and laborious to be under the necessity of returning such a number of bills to the two Houses of the Legislative department. The supposition, that I had a desire to return or veto bills, is wholly gratuitous. The free use of the power of the veto, was fully discussed before the people of the State. I stood pledged to them not to approve such bills. My course heretofore on that question was discussed at length, and approved and endorsed by the people.

The constitution makes it my duty to return bills not having my approval. I am not gifted with that pliancy or readiness of conviction which would make me approve of that to-day, which I had not approved of yesterday; and, although I may not have been able to present any reason of sufficient force to induce a change of the action of the legislative department, that fact, of itself, is not sufficient to make me doubt the correctness of my positions, or to induce me to abandon any constitutional objection or views of public policy that I may entertain. Neither hoping or expecting my views to effect a change of legislation of this character, I discharge my duty in conformity with my pledges to the people and fidelity to my constitutional oath—not considering anything as the dust in the scale beyond either. Whatever may be the fruits of such legislation I have no part in it.

For the reasons herein contained, and others already communicated to the Legislature, I return the bill without my approval.

Respectfully,

JOHN A. WINSTON.

And the question being, “shall the bill pass notwithstanding the Executive veto?”

The same was passed and ordered to be sent forthwith to the Senate. Yeas 58; nays 21.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Grubbs, Haden, Hobbs, Howard, Jackson, Jones, Kirkland, Langdon, Larkins, Lynch, McBride, McClanahan, McMullen, Miree, Moorcr, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, White, Williams, Winston, Wright and Woolsey—58.

Nays—Messrs. Beavers, Bradley, Burgess, Camp, Garleck, Goode, Hancock, King, Little, Lockett, Maples, Menasco, McConnell, Moragne, Portis, Sheffield, Smith of Lauderdale, Towles, Ward of Cherokee, Ward of Dale and Wood—21.

The House then proceeded to the consideration of the veto message on the Senate bill, to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17, 1854.

The question being, “shall the bill pass notwithstanding the Executive veto?”

The House refused to pass the same.

Yeas 46 ; nays 28.

Yeas—Messrs. Speaker, Alford, Belser, Bradley, Browder, Brown of M., Byrne, Camp, Carpenter, Chapman, Clanton of M., Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Davis, Echols, Ellis of Benton, Fowler, Grubbs, Haden, Hancock, Hobbs, Howard, Langdon, Larkins, Little, Maples, McBride, McClanhan, Moragne, Odem, Owens, Peddy, Powell, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Thorn, Towles, and Ward of Cherokee—46.

Nays—Messrs. Acree, Beavers, Beck, Brown of Tuskaloosa, Burgess, Curry, Ellis of Blount, Garleck, Gooke, Graham, Sackson, King, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Moorer, Portis, Rice, Sheffield, Smith of Randolph, Ward of Dale, Williams, Winston, Wright and Wood—28.

The House then proceeded to the consideration of the veto message on the bill to incorporate the Commerce Street Hotel Company of Montgomery.

Mr. Critcher moved to postpone until Saturday next, 10 o'clock.

Lost.

And the question—“shall the bill pass, notwithstanding the Executive veto?”

The same was passed.

Yeas 69 ; nays 9.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beck, Belser, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Graham, Grubbs, Hancock, Howard, Jackson, King, Kirkland, Langdon, Larkins, Lynch, Maples, McBride, McMullen, Miree, Moorer, Nabors, Nicholson, Odem, Owens,

Peddy, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Winton and Woolsey—69.

Nays—Messrs. *Beavers*, Brown of Marion, *Burgess*, Goode, Lockett, *Menasco*, *McConnell*, Portis, Wood and Wright—9.

The House then proceeded to the consideration of the veto message on the bills to incorporate the *Male Academy* and *Female Seminary* in the town of *Somerville*, in *Morgan county*.

The message was read, and is as follows :

EXECUTIVE DEPARMTENT, February 7, 1856.

*To the House of Representatives :*

The bill to be entitled an act to incorporate the *Male Academy* and the *Female Seminary*, in the town of *Somerville*, *Morgan county*, I return to the House of Representatives without my approval, because an amendment of the general law only in regard to the amount of property allowed to be held by the institution would cover all the demands of the bill necessary and proper ; and because it prohibits the sale of spirituous liquors at retail within three miles of these schools.

The bill to be entitled an act to incorporate the *Calhoun Literary Society* of *Somerville*, *Morgan county*, and the bill to be entitled an act to incorporate the *Spring Hill Male and Female Academy*, in *Marengo county*, I also return without my approval, because all the objects contemplated by by them are fully provided for by the general law.

The bill to incorporate the *Male and Female Academy* at *Spring Hill*, contains a section prohibiting, under severe penalties, the sale of spirituous liquors or wines within one mile and a half of the Academy, which is a further objection to this bill.

Respectfully,

JOHN A. WINSTON.

And the question being—"shall the bill pass, notwithstanding the Executive veto?"

The House refused to pass the same.

Yeas 20 ; nays 44.

Yeas—Messrs. Speaker, Byrne, Chapman, Crawford, Critcher, Cunningham, Echols, Fowler, Haden, Hobbs, Langdon, Little, Nicholson, Owens, Powell, Reid, Rhodes, Rice, Thornton, White and Woolsey—20.

Nays—Messrs. *Acree*, *Beavers*, *Beck*, *Belser*, *Bradley*, Brown of Marion, Brown of Tuskaloosa, *Burgess*, Camp,

Carpenter, Clanton of *Montgomery*, Clanton of *Sumter*, Curry, Davis, Ellis of *Blount*, Garleck, Goode, Graham, Hancock, Howard, King, Kirkland, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Moorer, Pynes, Sanford, Sheffield, Smith of *Franklin*, Smith of *Lauderdale*, Smith of *Randolph*, Staton, Thorn, Towles, Ward of *Dale*, Williams and Winston—44.

The House then proceeded to the consideration of the veto message on the bill to incorporate the Spring Hill Male and Female Academy, in *Marengo* county.

And the question being—"shall the bill pass, notwithstanding the Executive veto?"

The House refused to pass the same.

Yeas 38 ; nays 27.

Yeas—Messrs. Speaker, Barry, Belser, Browder, Byrne, Carpenter, Chapman, Clanton of *Montgomery*, Clanton of *Sumter*, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of *Benton*, Fowler, Grubbs, Haden, Hobbs, Howard, Jones, Langdon, Larkins, Little, McClanahan, Miree, Moragne, Odem, Owens, Peddy, Powell, Rhodes, Rice, Smith of *Franklin*, Thornton, Thorn and White—38.

Nays—Messrs. Acree, Beavers, Bradley, Brown of *Marion*, Burgess, Camp, Garleck, Goode, Graham, Hancock, Jackson, King, Kirkland, Lockett, Mables, Menasco, McConnell, McMullen, Nabors, Portis, Pynes, Sanford, Smith of *Randolph*, Staton, Towles, Ward of *Cherokee*, and Wood—27.

The House reconsidered the vote on the veto message on the bill to incorporate the Calhoun Literary Society of *Somerville*, *Morgan* county.

And the question being—"shall the bill pass, notwithstanding the Executive veto?"

And the same was passed.

Yeas 63 ; nays 8.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Belser, Bradley, Brown of *Tuskaloosa*, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of *Montgomery*, Clanton of *Sumter*, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of *Blount*, Ellis of *Benton*, Fowler, Garleck, Grubbs, Haden, Hobbs, Howard, Jackson, Jones, King, Kirkland, Langdon, Larkins, Little, Lynch, Maples, McBride, McClanahan, Miree, Moragne, Moorer, Nabors, Odem, Owens, Peddy, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of *Franklin*, Smith of *Randolph*, Staton, Taylor of *Chambers*, Thornton, Thorn, Ward of *Cherokee*, Ward of *Dale*, White, Williams and Winston—63.



Nays—*Messrs. Beavers, Beck, Brown of Marion, Burgess, Goode, Lockett, Menasco, McConnell, McMullen and Pennington*—8.

On motion, the House adjourned until to-morrow morning, half past 9 o'clock.

FRIDAY, February 8, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

On motion of Mr. Sanford, the reading of the journal was dispensed with.

Mr. Powell moved to suspend the regular order of business to allow Mr. Curry to introduce a bill.

Carried.

Mr. Curry then introduced a bill—

To incorporate the Talladega Insurance Company, which was read the first time, and the rule being suspended, the same was read the second and third times forthwith, and passed, and sent forthwith to the Senate.

Mr. Woolsey moved to suspend veto messages, to proceed with the call of the counties.

Carried.

Mr. Davis introduced a bill to be entitled an act supplemental to an act to make a loan to the Alabama and Tennessee River Railroad Company;

Which was read the first time, and the rule being suspended, the same was read the second time forthwith.

Mr. Brown of Marion moved to refer the bill to the committee on Internal Improvements.

Said motion was lost;

And the bill was read the third time, under a suspension of the rule, and passed.

Yeas 58; nays 11.

Yeas—*Messrs. Speaker, Beavers, Belser, Bradley, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Cochran, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Graham, Haden, Hancock, Hobbs, Jay, Jones, Larkins, Little, Lockett, Lynch, Maples, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Nicholson, Oden, Owens, Peddy, Portis, Powell, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Wright, Wood and Woolsey*—58.

Nays—*Messrs. Acree, Brown of Marion, Gilmore, Grubbs,*

Jackson, Menasco, Milligan, Pynes, Towles, Ward of Dale, and Williams—11.

Said bill ordered to be sent forthwith to the Senate.

Mr. Cochran introduced a bill to amend section 573 of the Code, and for other purposes.

Mr. Ellis of Benton introduced a bill to amend section 1946 of the Code.

Mr. Woolsey introduced a bill the more effectually to secure the apprehension or retaking of persons charged with criminal offences.

Mr. Brown of Marion introduced a bill authorizing the building of a mill dam in Marion county.

Mr. Clanton of Sumter introduced a bill for the benefit of the Tax Assessor of Sumter county.

Mr. Belser introduced a bill to amend the charter of the Western Railroad Company of Alabama.

Said bills were severally read the first time, and the rule being suspended, the same were severally read the second and third times forthwith and passed, and ordered to be sent to the Senate.

Mr. Curry moved to reconsider the vote by which the House refused to pass over the Executive veto, the Senate bill to repeal an act to amend the charter of the Northern Bank of Alabama. Carried.

Mr. Lynch introduced a bill to repeal an act entitled an act making an appropriation for the completion of the Alabama Insane Hospital, which was read the first time.

Mr. Fowler moved to lay said bill on the table.  
Carried.

Yeas 44; nays 32.

Yeas—Messrs. Speaker, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, Davis, Echols, Fowler, Gilmore, Goode, Haden, Hobbs, Howard, Jay, King, Kirkland, Larkins, McBride, McClanahan, McConnell, Miree, Moorser, Nicholson, Odem, Peddy, Portis, Powell, Reid, Rhodes, Smith of Franklin, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, White, Wright and Woolsey—44.

Nays—Messrs. Beavers, Beck, Bradley, Burgess, Ellis of B., Ellis of B., Garleck, Graham, Grubbs, Hancock, Jackson, Jones, Lockett, Lynch, Menasco, McMullen, Milligan, Moragne, Nabors, Pennington, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton Ward of Cherokee, Williams, Winston and Wood—32.

Mr. Portis, from the committee on Enrolled Bills, reported the following bills as correctly enrolled :

An act for the relief of the administrators of Thomas S. Mays and others.

An act to regulate the fees for marriage license in Benton county.

An act for the benefit of Sumter county.

The House proceeded to the consideration of the veto message from the Senate, on the bill for the relief of Jane Cothran of the county of Perry.

The question being—"shall the bill pass, notwithstanding the Executive veto?"

The bill was passed.

Yeas 71; nays 8.

Yeas—Messrs. Speaker, Acree, Barry, Beck, Belser, Brown of Marion, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, Fowler, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Kirkland, Langdon, Larkins, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Mirce, Moorer, Nabors, Nicholson Odem, Owens, Peddy, Portis, Powell, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, White, Williams, Winston, Wright, Wood and Woolsey—71.

Nays—Messrs. Bradley, Burgess, Camp, Goode, Little, Lockett, Milligan and Ward of Dale—8.

Mr. Smith of Randolph moved to reconsider the vote by which the House refused to pass, over the Executive veto, the bill to incorporate the Planters' Factory, at Autaugaville.

Said motion prevailed.

The House then proceeded to consider the veto message on the bill, to amend the charter of the Northern Bank of Ala., at Huntsville, approved February 17, 1854.

The question being, "shall the bill pass?" the same was passed.

Yeas 53; nays 24.

Yeas—Messrs. Speaker, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jones, Langdon, Larkins, Little,

Lynch, Maples, Menasco, McBride, McClanahan, Moragne, Nicholson, Odem, Owens, Peddy, Powell, Rhodes, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Winston, Wood and Woolsey—53.

Nays—Messrs. Barry, Beavers, Beck, Clanton of Sumter, Goode, Graham, Jackson, Jay, King, Kirkland, Lockett, Menasco, McConnell, McMullen, Milligan, Moorner, Nabors, Remson, Sheffield, Smith of Randolph, Taylor of Mobile, Ward of Dale, Williams and Wright—24.

The House then proceeded to the consideration of the veto message on the bill to incorporate the Planter's Factory, at Autaugaville, the previous vote thereon having been recorded. The question being, "shall the bill pass?" the same was passed.

Yeas 52; nays 22.

Yeas—Messrs. Speaker, Acree, Belser, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Graham, Haden, Hobbs, Howard, Jackson, Jay, Langdon, Larkins, Little, Lynch, McClanahan, McMullen, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Powell, Reid, Remson, Rhodes, Rice, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, White, Williams, Winston, Wood and Woolsey—52.

Nays—Messrs. Alford, Barry, Beavers, Beck, Bradley, Camp, Garleck, Goode, Grubbs, Hancock, King, Lockett, Menasco, McBride, McConnell, Portis, Pynes, Sheffield, Smith of Fr'n, Staton and Towles—22.

Mr. Sanford moved to reconsider the vote by which the House refused to pass, over the Executive veto, the bill to incorporate the Spring Hill Male and Female Academy, in Marengo county. Carried.

The House then proceeded to the consideration of said veto message; and the question being, "shall the bill pass?" the same was passed.

Yeas 53; nays 19.

Yeas—Messrs. Speaker, Acree, Belser, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Gilmore, Goode, Haden, Hobbs, Howard, Jackson, Jay, Jones, Langdon, Larkins, Lynch, Maples, McClanahan, Miree, Moragne, Nicholson, Odem, Owens, Peddy, Pennington, Powell,

Reid, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Williams, Winston and Woolsey—53.

Nays—Messrs. Alford, Beavers, Bradley, Brown of Marion, Camp, Garleck, Hancock, King, Kirkland, Lockett, Menasco, Milligan, Nabors, Portis, Sanford, Smith of Lauderdale, White, Wright and Wood—19.

The House then proceeded to the consideration of the veto message from the Senate, on the Senate bill To authorize the conferring of diplomas at the Southern Military Academy of Chambers county.

The question being, “shall the bill pass?” the same was passed.

Yeas 54; nays 14.

Yeas—Messrs. Speaker, Alford, Barry, Belser, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Byrne, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Ellis of Benton, Fowler, Gilmore, Graham, Grubbs, Haden, Hobbs, Howard, Jones, Jay, King, Langdon, McBride, McClanahan, Miree, Moorer, Odem, Owens, Peddy, Powell, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Taylor of Chambers, Thornton, Thorn, Towles, White, Winston, Wright and Woolsey—54.

Nays—Messrs. Camp, Davis, Ellis of Blount, Goode, Lockett, Lynch, Menasco, McMullen, Milligan, Nabors, Pynes, Staton, Williams and Wood—14.

Mr. Brown of Marion introduced a bill for the relief of Gracy Thompson, of the county of Marion, which was read the first time, and the rule being suspended, the same was read the second time.

Mr. King moved to refer said bill to the committee on the Judiciary.

Lost.

Mr. Williams moved to lay the bill on the table, and the yeas and nays were demanded.

Carried.

Yeas 47; nays 27.

Yeas—Messrs. Alford, Beck, Belser, Browder, Burgess, Camp, Carpenter, Clanton of Sumter, Cochran, Crawford, Curry, Echols, Ellis of Blount, English, Fowler, Goode, Graham, Grubbs, Hancock, Jay, King, Kirkland, Langdon, Larkins, Little, Lynch, Maples, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Peddy, Pynes, Remson, Sanford, Sheffield, Smith of Franklin, Smith of L.,

Smith of Randolph, Staton, Taylor of Chambers, Thornton, Ward of Cherokee, Ward of Dale, Williams and Wood—47.

Nays—Messrs. Acree, Barry, Beavers, Bradley, Brown of Marion, Brown of Tuscaloosa, Byrne, Chapman, Clanton of Montgomery, Critcher, Echols, Garleck, Jackson, Lockett, Menasco, McBride, Odem, Owens, Portis, Reid, Rhodes, Rice, Towles, Winston, Wright and Woolsey—27.

Mr. Cochran moved to suspend the regular order of business to take up the Senate bill, to incorporate the Clayton Branch of the Mobile and Girard Railroad Company.

Carried.

The Senate bill—to incorporate the Clayton Branch of the Mobile and Girard Railroad Company—was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Reid moved to suspend the special order, to take up the bill in relation to the two and three per cent. fund.

Lost.

Yeas 25 ; nays 35.

Yeas—Messrs. Beck, Bradley, Brown of Marion, Byrne, Chapman, Clanton of Montgomery Cochran, Critcher, Curry, Davis, Howard, Jay, King, Little, Lockett, Maples, McBride, McClanahan, Pennington, Reid, Rhodes, Rice, Sanford, Towles and Ward of Cherokee—25.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Burgess, Camp, Carpenter, Clanton of Sumter, Cunningham, Fowler, Goode, Grubbs, Hancock, Hobbs, Jackson, Lynch, Menasco, McMullen, Milligan, Nabors, Owens, Peddy, Portis, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Thorn, Ward of Dale, Williams, Winston, Wright and Wood—35.

The House then proceeded to the consideration of the special order for the hour, it being—

The bill to regulate the rate of interest in this State.

Mr. Cochran moved to suspend the further consideration of said special order, to allow committees to report.

Lost.

Yeas 25 , nays 56.

Yeas—Messrs. Acree, Bradley, Brown of Marion, Byrne, Clanton of Montgomery, Cochran, Crawford, Curry, Davis, Ellis of Benton, Goode, Haden, Howard, Larkins, Menasco, McClanahan, Pennington, Powell, Reid, Remson, Sheffield, Taylor of Chambers, Towles, Ward of Cherokee and White—25.

Nays—Messrs. Speaker, Alford, Barry, Beavers, Beck, Bel-

ser, Brown of Tuskaloosa, Burgess, Camp, Chapman, Clanton of Sumter, Echols, English, Fowler, Garleck, Grubbs, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Langdon, Little, Lockett, Lynch, McBride, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Owens, Peddy, Portis, Pynes, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Thornton, Thorn, Ward of Dale, Williams, Winston, Wright, Wood and Woolsey—56.

Message from the Senate, by Mr. Taul, Assistant Secretary.

Mr. Speaker :

The Senate has originated and passed bills entitled as follows :

An act relating to loan and building associations.

An act to aid the Alabama Medical College.

Also, a House bill—

To incorporate the East Alabama Male College, at Auburn, in Macon county—the Executive veto to the contrary, notwithstanding.

Also, the House bill—

To make the Circuit Court Judges rotate throughout the State.

Mr. Curry moved to lay the bill on the table.

Lost.

Yeas 42 ; nays 43.

Yeas—Messrs. Speaker, Acree, Beavers, Beck, Bradley, Burgess, Byrne, Carpenter, Chapman, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Benton, English, Fowler, Goode, Graham, Haden, Hancock, Kirkland, Lynch, Maples, Menasco, McClanahan, Miree, Pennington, Powell, Rice, Sanford, Sheffield, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams and Woolsey—42.

Nays—Messrs. Alford, Barry, Belser, Brown of Tuskaloosa, Browder, Camp, Cochran, Ellis of Blount, Garleck, Grubbs, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Little, Lockett, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Odem, Owens, Peddy, Portis, Pynes, Reid, Remson, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Staton, Taylor of Mobile, White, Winston, Wright and Wood—43.

The question being upon the adoption of the substitute—

Mr. Fowler moved to lay the same on the table.

Lost.

Yeas 38 ; nays 43.

Yeas—Messrs. Acree, Beavers, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of *Montgomery*, Clanton of Sumter, Crawford, Critcher, Curry, Echols, Ellis of Benton, English, Fowler, Goode, Graham, Haden, Hancock, Kirkland, Maples, McClanahan, Miree, Portis, Powell, Rice, Sanford, Sheffield, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Williams and Woolsey—38.

Nays—Messrs. Speaker, Alford, Barry, Beck, Belser, Brown of Tuskaloosa, Browder, Camp, Cochran, Davis, Ellis of Blount, Garleck, Grubbs, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Little, Lockett, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Owens, Peddy, Pennington, Pynes, Reid, Remson, Rhodes, Smith of Franklin, Smith of Lauderdale, Smith of *Mobile*, Smith of Randolph, Staton, Taylor of *Mobile*, White, Winston, Wright and Wood—43.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles:

An act to incorporate the Elba Insurance Company, of Coffee county, Alabama.

An act for the relief of the Central Plank Road Company.

An act for the protection of Public Innkeepers.

An act to authorize Robert B. Witter to practice law in certain courts in this State.

An act to amend an act to incorporate the Alabama and East Tennessee Railroad Company.

An act to change the mode of assessing the tax of Butler county.

An act to incorporate the LaGrange and Oxford Railroad Company.

A act to incorporate the Selma and Tuskaloosa Telegraph Company.

An act amendatory of an act to charter the Wills' Valley Railroad Company.

The bill to be entitled

An act to incorporate the Commercial Bank of Alabama, is herewith returned, without the approval of the Executive, and accompanied with his objections thereto.

Mr. Curry moved to strike out '8,' and insert '6' per cent.



Mr. Echols moved to lay said amendment on the table.

Mr. Lynch moved to indefinitely postpone the further consideration of the whole matter.

Mr. Belser moved to postpone until to-morrow, at 11 o'clock, A. M.,

Which motion prevailed.

On motion of Mr. Rhodes,

The House then adjourned until this evening, at 3½ o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Davis,

The roll was called, and the following members answered to the call, viz :

Messrs. Speaker, Acree, Beavers, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Camp, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McBride, McConnell, McMullen, Miree, Moragne, Moorier, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Thornton, Thorn, Towles, Ward of Dale, White, Winston, Wright, Wood and Woolsey—62.

Veto Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

On motion,

The further consideration of said message was suspended, until to-morrow morning, at 10 o'clock.

Mr. Goode moved to suspend the regular order of business, to allow him to offer a resolution, and Mr. Sheffield to introduce a bill. Lost.

Mr. Sheffield moved to suspend, to allow him to introduce a bill.

Carried.

Mr. Sheffield then introduced

A bill for the relief of the School Commissioners of Marshall county—which was read the first time, rule suspended, was read the second and third times, forthwith, and passed, and ordered to be sent forthwith to the Senate.

Message from the Senate, by Mr. Taul, Assistant Secretary.

Mr. Speaker :

The Senate has passed a bill which originated in the House of Representatives, entitled—

An act to render more efficient the system of Free Public Schools in the State of Alabama, and amended as therein shown.

The engrossed bill—

To prohibit the sale or retail of ardent spirits within three miles of Spring Hill Academy, in Marengo county, was read the third time.

Mr. Remson moved to lay the bill on the table, and demanded the yeas and nays.

Lost.

Yeas 29 ; nays 46.

Those who voted in the affirmative are :

Messrs. Acree, Beavers, Beck, Bradley, Camp, Garleck, Goode, Grubbs, Hancock, King, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Pynes, Sanford, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, Winston, Wright and Wood—29.

Those who voted in the negative are :

Messrs. Speaker, Barry, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Graham, Haden, Hobbs, Howard, Jay, Jones, Little, McBride, McClanahan, Miree, Nicholson, Owens, Peddy, Pennington, Powell, Reid, Remson, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Staton, Thornton, Thorn, White, and Woolsey—46.

The bill was passed, and ordered to be sent forthwith to the Senate.

The House then proceeded to the consideration of the special order for the hour, it being

The bill to regulate the sale of spirituous liquors in the county of Morgan.

Mr. King moved to amend by way of engrossed ryder.

Mr. Davis moved to lay the bill and amendments on the table.

Carried.

Yeas 55 ; nays 24.

Yeas—Messrs. Acree, Alford, Barry, Beck, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Davis, Ellis of Blount, Ellis of Benton, English, Garleck, Goode, Graham, Grubbs, Hancock, Howard, Jackson, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan,

McConnell, McMullen, Milligan, Moragne, Nabors, Nicholson, Peddy, Portis, Pynes, Reid, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Williams, Winston, Wright and Wood—55.

Nays—Messrs. Beavers, Belser, Byrne, Crawford, Critcher, Echols, Fowler, Haden, Hobbs, Jay, King, Miree, Oden, Owens, Powell, Remson, Rhodes, Rice, Smith of Franklin, Smith of Mobile, Thornton, Thorn, White and Woolsey—24.

Mr. King moved to suspend, &c., to offer a resolution.

Lost.

Mr. Thornton moved to suspend, &c., to take up school bill. **Lost.**

Mr. Belser moved to suspend to take up the bill in relation to the two and three per cent. fund. **Lost.**

Mr. Remson moved to adjourn until 7 o'clock, p. m., and the yeas and nays were demanded. **Lost.**

Yeas 19 ; nays 50.

Yeas—Messrs. Beck, Byrne, Camp, Carpenter, Chapman, Goode, Howard, Jackson, McBride, McConnell, Miree, Oden, Powell, Reid, Remson, Rice, Sheffield, Smith of Lauderdale, and Wright—19.

Nays—Messrs. Acree, Alford, Barry, Beavers, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Clanton of Sumter, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, Fowler, Graham, Grubbs, Hancock, Hobbs, Jones, King, Larkins, Lockett, Lynch, Maples, McClanahan, McMullen, Milligan, Moragne, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Sanford, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, White, Williams and Winston—50.

Mr. Jay moved to suspend business, &c., to allow the committee on the Judiciary to report. **Carried.**

Mr. Davis, from the committee on the Judiciary, to which was referred a bill to authorize the Governor to issue a patent to land therein named, and a Senate bill to amend an act requiring the Governor to cause patents to be issued to certain lands therein named to Mary Stephens, approved 10th of February, 1852, reported a substitute therefor.

Said substitute was adopted, which was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Remson moved to suspend the regular order of business to allow the committee on Sixteenth Sections, and the committee on Privileges and Elections, to report.

Carried.

Mr. Remson, from the committee on Sixteenth Sections, reported favorably to the bill for the relief of John C. Hawkins, the heirs of Allen R. Curry, A. Downing and W. J. Ingram.

The rule was suspended, the said bill read the third time and passed.

Mr. Haden, from the committee on Privileges and Elections, to which was referred a bill to authorize the Commissioners' Court of Choctaw county to establish an election precinct, reported back the same with amendments thereto.

Said amendments were adopted.

The constitutional rule was suspended, and the said bill, as amended, read the third time and passed.

Also, reported favorably to the bill to legalize election precincts Nos. 18 and 19, in Talladega county.

The rule was suspended, the bill read the third time and passed, and ordered to be sent forthwith to the Senate.

Also, reported a substitute for the bill to increase the powers of Courts of County Commissioners, and for other purposes.

And the said bill was read the third time and passed, and ordered to be sent forthwith to the Senate.

Mr. Lynch moved to suspend to take up certain bills.

Mr. Barry moved that the House adjourn to meet to-morrow at half past 9 o'clock, A. M., and the yeas and nays were demanded.

Lost.

Yeas 21 ; nays 41.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Camp, Garleck, Grubbs, Jones, Kirkland, McBride, Miree, Odem, Reid, Rice, Sanford, Sheffield, Smith of Franklin, Thornton, Thorn, Wright and Woolsey—21.

Nays—Messrs. Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Chapman, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Benton, Fowler, Hobbs, Howard, Jackson, King, Langdon, Larkins, Little, Lockett, Lynch, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Peddy, Portis, Powell, Pynes, Smith of Lauderdale, Smith of Randolph, Staton, Ward of Cherokee, Ward of Dale, Williams and Winston—41.

The hour of half past 5 o'clock arrived, and the House stood adjourned until this evening, 7 o'clock.

## NIGHT SESSION.

The House met pursuant to adjournment.

On motion, the roll was called, and the following members answered to their names :

Messrs. Speaker, Acree, Beck, Belser, Bradley, Brown of T., Burgess, Carpenter, Chapman, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, Fowler, Goode, Graham, Grubbs, Haden, Hobbs, Jackson, King, Kirkland, Larkins, Lynch, Menasco, McBride, McClanahan, McConnell, Miree, Moragne, Moorer, Nabors, Nicholson, Owens, Pennington, Portis, Powell, Pynes, Reid, Remson, Sanford, Sheffield, Staton, White, Williams and Winston.

No quorum present.

A short time elapsed, when the Chair announced a quorum.

Mr. Fowler, from the committee on Sixteenth Sections, reported adversely to the bill for the relief of the Sixteenth Section fund in township 19, range 28, in Russell county.

Also, adversely to the petitions of citizens of township 17, range 8, in Dallas county.

Said reports were severally concurred in.

Also, adversely to the bill to authorize the trustees of township 6, range 10, west, in Franklin county, to receive and loan out the money belonging to said township.

Mr. Fowler moved to lay said report and bill on the table. Carried.

Mr. Nabors, from the committee on Divorce and Alimony, reported the following bills :

To divorce *Mary E. Gilder* from her husband, *Thadius W. Gilder*, and to divorce other persons therein named.

To divorce *George W. Watson* from his wife, *Marunda Watson*, and to divorce other persons therein named.

To divorce *Elijah Harris* from his wife, *Martha Harris*, and to divorce other persons therein named.

To divorce *Thomas Carroll* from his wife, *Rebecca Carroll*, and to divorce other persons therein named.

Also, a substitute for the bill to divorce *Caroline Grubbs* from her husband, *Morgan Grubbs*, which was adopted.

Said bills were severally read the first time, and the rule being suspended, were severally read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Nabors, from same committee, reported adversely to the following bills :

To make *Mary A. S. Pritchard*, wife of *Wm. B. Pritchard*, of Russell county, a free dealer.

For the relief of Allen B. Scruggs of Hancock county.

To make Jane Durger, of the county of Jackson, a free dealer.

To make Franky T. Preston, of Morgan county, a free dealer.

To make martha T. Keith, of the county of Coffee, a free dealer.

To make Margaret Butler, of the county of Jackson, a free dealer.

Also, adversely to the petition of E. P. Ware.

Said reports were severally concurred in.

Mr. Taylor of Chambers, from the committee on Accounts, reported adversely to the following bill:

For the relief of Edmund Franklin.

Said report was concurred in.

Als, reported the following bills, and recommended the passage of the same:

A bill for the benefit of certain persons therein named.

To pay Samuel F. Rice, and others, for the hire of servants.

Also, favorably to the bill to pay Goldsberry Ray a certain sum of money, &c.

Also, reported bill:

To compensate T. W. Faith, Sheriff of Washington county.

Said bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed.

Also, favorably to the Senate bills:

To pay certain claims against the State.

For the relief of Austin Murphree, Jailor of Blount county, with an amendment of the caption.

Said amendment was adopted, and the constitutional rule being suspended, the said bills were read three several times and passed.

Also, reported a bill to pay Philip D. Roddy a certain sum of money, which was read and ordered to a second reading.

Mr. Moragne, from the committee on Accounts, reported the following petitions, accounts, &c.:

The petition of James A. Waterson.

The account of James L. Merriweather.

The petition for the relief of Wm. M. Clifton.

The account of James K. Blount.

An account and petition, asking compensation for the apprehension and return of a fugitive from justice.

The petition of William J. Bracewell of the county of Dale.

The account of C. C. Capshaw.

The account of T. J. Smith.

Said reports were severally concurred in.

Mr. Menasco, from the committee on the Military, reported adversely to the bill to donate certain muskets to the Pickens Guards.

Also, adversely to the bill to amend the military laws of this State.

Mr. Sanford moved to lay the report on the table.

The yeas and nays were demanded.

Motion lost.

Yeas 27 ; nays 28.

Yeas—Messrs. Bradley, Brown of Tuskaloosa, Chapman, Clanton of Sumter, Critcher, Curry, Ellis of Benton, Graham, Haden, Langdon, McBride, McClanahan, McConnell, Moragne, Odem, Owens, Portis, Powell, Sanford, Sheffield, Smith of Franklin, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Mobile, Thornton and Winston—27.

Nays—Messrs. Acree, Barry, Beck, Brown of Marion, Byrne, Carpenter, Echols, Goode, Grubbs, Hancock, Howard, Jackson, King, Kirkland, Larkins, Lynch, Maples, McMullen, Milligan, Miree, Nabors, Pennington, Pynes, Reid, Remson, Ward of Cherokee, Williams and Wright—28.

Mr. Williams moved to lay the report on the table.

Carried.

Mr. Lynch moved to lay the bill and amendments on the table.

Which motion prevailed.

Said report was then concurred in.

Also, favorably to the bill

To change the mode of performing militia duty in this State.

Mr. Belser moved to amend, as follows :

“ That hereafter, there shall be but one militia muster in this State, in each year—and that shall be a company muster, to be held in each beat, on the last Saturday in January, in every year : *Provided* that this act shall not apply to volunteer companies now in existence, or which may be hereafter formed, in this State.”

Mr. McMullen moved to postpone the further consideration of the bill and amendment until Monday next, at 11 o'clock.

Mr. Smith of Mobile moved to suspend the rule which requires the House to adjourn at 9 o'clock.

Mr. Reid called for the yeas and nays on said motion, pending the call of which the hour of 9 o'clock arrived, and

The House stood adjourned until to-morrow morning, at 9½ o'clock.

SATURDAY, February 9, 1856.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Norton.

Mr. Cochran moved to dispense with the reading of the Journal, and take up the Senate message.

Carried.

Mr Critcher asked, and obtained, leave to record his vote in the negative, in the vote on the bill establishing annual sessions.

House bills amended by the Senate :

The House concurred in the amendments of the Senate to the House bills :

To change the time of holding the next term of the Spring term of the Circuit Court of Talladega county.

For the relief of Wm. S. DeWitt, of Barbour county.

To increase the license to sell ardent spirits within three miles of the city of Montgomery.

In relation to hunting wild hogs in Marengo and other counties therein named.

To compensate Thomas A. Locke, of Barbour county.

For the relief of Sarah Ann Clark, of Morgan county, and others.

To authorize James L. Murphy, of the county of Greene, and others, to peddle books without license.

For the relief of William Norton.

Compelling certain persons now exempt from working on public roads, in DeKalb county, to do road duty.

Joint Memorial of the Senate and House of Representatives, of the General Assembly of the State of Alabama, to the Congress of the United States.

The House refused to concur in the first amendment of the Senate to the House bill

To render more efficient the system of Free Public Schools in the State of Alabama, and concurred in its second and third amendments.

The House then proceeded to the consideration of the veto message of the Governor, on the bill

To incorporate the Commercial Bank of Alabama.

Said message was read, and is as follows :



EXECUTIVE DEPARTMENT, Feb. 8, 1856.

*To the House of Representatives :*

In my biennial message to the Legislature, I presented to the consideration of the two Houses of the General Assembly some suggestions in regard to the approaching dangers of an inflated paper currency, and from the great increase of the manufacture of paper money in most of the States of the Union, the probability of a monetary crisis, and bankruptcy in all the departments of trade and commerce.

The past history of the bursting of bank bubbles, which has almost periodically taken place, seems to have no restraining influence on the active spirit of speculation and desire for the acquisition of sudden wealth. Like a baneful epidemic, the Bank mania, which every now and then seizes upon a people, will run its course. The serious consequences sure, and predicted by common sense and prudence, are hooted at by bankrupt financiers, who are like the gambler, only desirous of another chance to make a fortune at the Bank when one has already been lost. Having nothing to lose, they are not likely to be great sufferers by any pecuniary disaster that may befall the country.

The dangers of an inflated currency to an agricultural people were, in the recollection of some now living, so clearly demonstrated, that there was at one time a political party of some respectability, which held, as one of its main tenets, a decided opposition to such a system ; and it was indeed generally admitted, that Banks were only needed for the great commercial points. The arguments and the reasons of the party still exist ; but all the teachings and experience of the past have little weight, and those who once so clamored against the system, are now its most earnest advocates. With the great staples of our country bringing the most precious metals of all the nations of the earth into our laps, and with an annual product of sixty millions of dollars of gold in our country, the work of making Banks increases only the more.

With no hope of staying the flood-tide of the Banking mania, those who see the coming consequences can only raise the voice of deprecation and warning, without in the least expecting to stay the progress of the spirit which rules the hour.—Believing it time to pause in the career of Bank-making, I return the bill to incorporate the Commercial Bank, without my approval.

Respectfully,

JOHN A. WINSTON.

The question, "Shall the bill pass notwithstanding the Executive veto?" having been put,

The bill was passed.

Yeas 67; nays 19.

Yeas—Messrs. Speaker, Acree, Barry, Beavers, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Goode, Grubbs, Haden, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Langdon, Larkins, Little, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Peddy, Portis, Powell, Reid, Remson, Rhodes, Sanford, Smith of Franklin, Smith of Mobile, Staton, Taylor of Chambers, Thornton, Towles, Ward of Cherokee, Ward of Dale, White, Williams, Wright and Woolsey—67.

Nays—Messrs. Beck, Burgess, Chapman, Garleck, Gilmore, Hancock, Lockett, Lynch, Menasco, McConnell, Milligan, Nabors, Pennington, Pynes, Rice, Sheffield, Smith of Randolph, Winston and Wood—19.

Mr. Belser moved to suspend the regular order of business, to introduce a bill.

Carried.

Mr. Belser then introduced a bill to simplify the mode of taking appeals to the Supreme Court.

Which was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent to the Senate.

Mr. Portis, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:

An act to make the Circuit Court Judges rotate throughout the State;

An act to change the time of holding the next Spring term of the Court of Talladega county.

The House resumed the consideration of the bill to render more efficient the system of Free Public Schools in the State of Alabama, and the fourth amendment thereto by the Senate was concurred in.

The fifth amendment was also concurred in.

Yeas 50; nays 22.

Yeas—Messrs. Barry, Beavers, Beck, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Sumter, Critcher, Cunningham, Echols, Ellis of Blount, Fowler, Gilmore, Goode, Haden, Hancock,

King, Kirkland, Larkins, Little, Lockett, Maples, Menasco, McMullen, Moragne, Moorer, Nabors, Odem, Owens, Peddy, Pennington, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Winston, Wright and Wood—50.

Nays—Messrs. Speaker, Acree, Clanton of Montgomery, Cochran, Crawford, Ellis of Benton, Garleck, Grubbs, Hobbs, Howard, Jackson, Jay, McBride, McClanahan, McConnell, Miree, Nicholson, Pynes, Remson, Rhodes, Rice and Taylor of Chambers—22.

The sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth amendments of the Senate, were severally concurred in.

The House refused to concur in the fourteenth and fifteenth, which is as follows :

Strike out “twenty-one,” in section two, and insert “nineteen.” Strike out “six,” in the second line, and insert “seven.”

Mr. Cochran moved to reconsider the vote by which the House ordered the bill to simplify the mode of taking appeals to the Supreme Court, to be sent forthwith to the Senate.

Carried.

Mr. Cochran then moved to reconsider the vote by which the said bill was passed.

Carried.

Mr. Cochran then moved to suspend the business before the House, to take up said bill.

Carried.

Mr. Echols moved to lay the bill on the table.

Lost.

The bill was passed and ordered to be sent forthwith to the Senate.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed a bill to compensate Samuel K. Raburn, of Marshall county, for certain services therein named.

The Senate has reconsidered and passed House bills, entitled as follows :

An act to incorporate the Hillabee and Goldville Mining Company ;

To incorporate the Calhoun Literary Society, of Somerville, Morgan county ;

For the relief of Henry M. Elmore, and others ;

To incorporate the Commerce Street Hotel Company, of Montgomery;

To incorporate the Chunnenugee Female College, of Macon county.

A Senate bill, to prevent the sale of spirituous liquors within one mile and a half of the lot and building, known as Barnes' Store, at Pleasant Ridge in the county of Greene, notwithstanding the Executive veto.

The Senate has amended and passed a House bill, entitled an act for the relief of John C. Hawkins, the heirs of Allen K. Curry, A. Downing, W. J. Ingram and Aaron Green.

Mr. Beck moved to suspend business, &c., for the purpose of taking up the bill and report for the burning of certain Bank notes of the State Bank and Branches.

The yeas and nays were demanded on the motion to suspend.

Carried.

Yeas 45 ; nays 41.

Yeas—Messrs. Acree, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, Echols, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Moorner, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Dale, White, Williams, Wright and Wood—45.

Nays—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Crawford, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Moragne, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Thornton, Thorn, Ward of Cherokee, Winston and Woolsey—41.

Mr. Curry moved to adjourn, and called the yeas and nays.

Lost.

Yeas 18 ; nays 59.

Yeas—Messrs. Bishop, Bradley, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Benton, Haden, Howard, Langdon, Lockett, Nicholson, Odem, Remson, Smith of Lauderdale, Thornton and Woolsey—18.

Nays—Messrs. Acree, Barry, Beavers, Beck, Brown of Marion, Byrne, Clanton of Montgomery, Clanton of Sumter,

Echols, Ellis of Blount, English, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moorier, Nabors, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Thorn, Ward of Dale, White, Williams, Winston, Wright and Wood—59.

Mr. Thornton moved to suspend the business before the House, to take up the bill to regulate the rate of interest in this State, and demanded the yeas and nays.

Lost.

Yeas 33 ; nays 50.

Yeas—Messrs. Speaker, Bishop, Bradley, Brown of Tuska-loosa, Camp, Cochran, Crawford, Curry, Davis, Ellis of Benton, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Maples, McClanahan, Moragne, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Winston and Woolsey—33.

Nays—Messrs. Acree, Barry, Beavers, Beck, Brown of Marion, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Critcher, Cunningham, Echols, Ellis of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Larkins, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moorier, Nabors, Nicholson, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, White, Williams, Wright and Wood.—50.

Mr. Belser moved to suspend the business before the House, to take up the bill to render more efficient the system of Free Public Schools in this State.

Lost.

Yeas 43 ; nays 45.

Yeas—Messrs. Belser, Bishop, Bradley, Brown of Tuska-loosa, Browder, Byrne, Camp, Chapman, Clanton of Sumter, Cochran, Crawford, Curry, Davis, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thorn, Ward of Cherokee, Winston and Woolsey—43.

Nays—Messrs. Acree, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Critcher, Echols,

Ellis of Blount, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Little, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Dale, White, Williams, Wright and Wood—45.

Mr. Clanton of Montgomery moved to suspend the rule requiring the House to adjourn at half past one o'clock.

Mr. Davis moved that the House do now adjourn until Monday morning, half past nine o'clock, and called the yeas and nays.

Lost.

Yeas 34 ; nays 51.

Yeas—Messrs. Speaker, Bishop, Bradley, Brown of Tuska-loosa, Browder, *Byrne*, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of Benton, Haden, Hancock, Hobbs, Howard, Jay, Langdon, *McBride*, McClanahan, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thornton, Thorn, Ward of Cherokee and Woolsey—34.

Nays—Messrs. Acree, Barry, Beavers, *Beck*, Brown of *Ma*-rion, Burgess, Carpenter, Clanton of *Montgomery*, Clanton of Sumter, Critcher, Echols, Ellis of *Blount*, English, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, King, Kirkland, Larkins, Lockett, Lynch, *Menasco*, *McCon*-nell, *McMullen*, Milligan, Miree, *Moragne*, *Moorer*, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of *Mobile*, Towles, Ward of Dale, White, Williams, Winston, Wright and Wood—51.

The question then recurred on the motion of Mr. Clanton, (*Mr. Rice* in the chair.)

Mr. King moved to lay the motion of Mr. Clanton on the table, and called the yeas and nays.

Lost.

Yeas 35 ; nays 50.

Yeas—Messrs. Speaker, *Belser*, Bishop, Bradley, Brown of Tuska-loosa, Browder, *Byrne*, Camp, Chapman, Crawford, Curry, Davis, Ellis of Benton, Haden, Hobbs, Howard, Jay, King, Langdon, *Maples*, *McBride*, McClanahan, Nicholson, Odem, Powell, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of *Mobile*, Thorn, Ward of Che-rokee and Woolsey—35.

Nays—Messrs. Acree, Barry, Beavers, Beck, Brown of *Ma*-

rion, Burgess, Carpenter, Clanton of *Montgomery*, Clanton of Sumter, Critcher, Echols, Ellis of *Blount*, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Hancock, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, *Menasco*, *McConnell*, *McMullen*, Milligan, Miree, *Moragne*, *Moorer*, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of *Randolph*, Staton, Taylor of *Chambers*, Taylor of *Mobile*, Towles, Ward of *Dale*, White, Williams, Winston, Wright and Wood—50.

Mr. Woolsey moved that the House do now adjourn until ten minutes before 9 o'clock, Monday morning.

Mr. Curry moved to amend, until half past 9 o'clock, Monday morning.

Yeas 36 ; nays 44.

Yeas—Messrs. Speaker, Bishop, Bradley, Brown of *Tuska-loosa*, Browder, Camp, Chapman, Cochran, Crawford, Curry, Davis, Ellis of *Benton*, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, McBride, *McClanahan*, *Moragne*, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of *Franklin*, Smith of *Lauderdale*, Smith of *Mobile*, Thornton, Thorn and Woolsey—36.

Nays—Messrs. Barry, Beavers, Beck, Brown of *Marion*, Burgess, Carpenter, Clanton of *Montgomery*, Clanton of Sumter, Critcher, Echols, Ellis of *Blount*, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Jackson, Jones, Kirkland, Lockett, Lynch, *Menasco*, *McConnell*, Milligan, Miree, *Moorer*, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of *Randolph*, Taylor of *Chambers*, Taylor of *Mobile*, Ward of *Dale*, White, Williams, Winston, Wright and Wood—44.

The question then recurred upon the motion of Mr. Woolsey, and the yeas and nays were called.

Lost.

Yeas 23 ; nays 58.

Yeas—Messrs. Bishop, Bradley, Byrne, Camp, Chapman, Cochran, Crawford, Ellis of *Benton*, Hancock, Hobbs, Howard, King, Langdon, McBride, *McClanahan*, Odem, Powell, Remson, Rhodes, Rice, Smith of *Franklin*, Ward of *Cherokee* and Woolsey—23.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Brown of *Marion*, Burgess, Carpenter, Clanton of *Montgomery*, Clanton of Sumter, Critcher, Curry, Davis, Echols, Ellis of *Blount*, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Jackson, Jones, Kirkland, Larkins, Lockett, Lynch, Maples, *Menasco*, *McConnell*, Milligan, Miree, Mo-

ragne, Moorcr, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Dale, White, Williams, Winston, Wright and Wood—58.

Mr. Chapman moved a call of the House.

Mr. Haden moved to reconsider the vote by which the House passed over, the Executive veto, the bill to incorporate the Commercial Bank of Alabama.

The hour of half past 1 o'clock arrived, and the House stood adjourned until Monday morning, at half past 9 o'clock.

MONDAY, February 11, 1856.

The House met pursuant to adjournment.

On motion of

Mr. Carpenter, the reading of the Journal was dispensed with.

Mr. Curry moved to dispense with the call of the counties, and all prior orders, to take up the bill to render more efficient the system of Free Public Schools in this State.

Mr. Beck called the yeas and nays on said motion.

Lost.

Yeas 40 ; nays 40.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Gilmore, Haden, Hancock, Hobbs, Howard, King, Larkins, Little, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thornton, Thorn, Ward of Cherokee and Woolsey—40.

Nays—Messrs. Acree, Alford, Alston, Barry, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Fowler, Garleck, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McCounell, McMullen, Milligan, Miree, Moorcr, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Ward of Dale, White, Winston, Wright and Wood—40.

Mr. Brown of Marion asked, and obtained leave, to record his vote in the negative on the vote by which the House passed, over the Executive veto, the bill—

To incorporate the Commercial Bank of Alabama.

Mr. Belser moved to suspend the business before the House, to take up the bill



To dispose of the two and three per cent. fund.

The yeas and nays were called.

Lost.

Yeas 39 ; nays 45.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Chapman, Cochran, Critcher, Curry, Ellis of Blount, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Little, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee and Woolsey—39.

Nays—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Brown of Marion, Burgess, Camp, Carpenter, Clanton of Sumter, Cunningham, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorier, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Winston, Wright and Wood—45.

Mr. Curry moved to suspend the call of the counties, to consider the Apportionment bill.

Lost.

Yeas 35 ; nays 44.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Marion, Browder, Byrne, Camp, Chapman, Cochran, Cunningham, Curry, Ellis of Blount, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thorn and Woolsey—35.

Nays—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Burgess, Carpenter, Clanton of Sumter, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorier, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Winston, Wright and Wood—44.

Mr. Sheffield moved to suspend the business before the House, to offer a resolution.

Carried.

Yeas 44 ; nays 38.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Beck, Brown

of Marion, Browder, Carpenter, Clanton of Sumter, Cochran, Cunningham, Ellis of Blount, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConuell, McMullen, Milligan, Miree, Mooror, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Rhodes, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, White, Wright and Wood—44.

Nays—Messrs. Speaker, Alston, Belser, Bishop, Bradley, Brown of Tuskaloosa, Burgess, Byrne, Camp, Chapman, Critcher, Curry, Davis, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Winston and Woolsey—38.

Mr. Sheffield then offered the following resolution:

*Resolved*, That His Excellency, the Governor of this State, be requested to communicate to the House of Representatives any written opinion he may have received from the Attorney General, in his official capacity, as to the legality of the remitting or loaning out the bills of the State Bank and Branches.

After a good deal of discussion thereon,

Mr. Sheffield moved to postpone the further consideration of the resolution until Wednesday next, at 11 o'clock.

Mr. Jackson moved to suspend the business before the House, for the purpose of taking up the bill.

To authorize the burning of certain bills of the State Bank and Branches,

Mr. Curry called for a division of the question, and the question was first put upon the motion to suspend, &c.

Lost.

Yeas 41; nays 46.

Yeas—Messrs. Acree, Alford, Barry, Beavers, Beck, Carpenter, Clanton of Montgomery, Clanton of Sumpter, Ellis of Blount, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Mooror, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Wright and Wood—41.

Nays—Messrs. Speaker, Alston, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Benton, English, Haden,

Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thornton, Thorn, Ward of Cherokee, Winston and Woolsev—46.

Mr. Carpenter moved to suspend the further consideration of the resolution until Wednesday next, at 10 minutes before 12 o'clock, m.

Lost.

Yeas 18 ; nays 60.

Yeas—Messrs. Barry, Carpenter, Clanton of Montgomery, Crawford, Garleck, Hobbs, Jones, Lockett, Lynch, McConnell, Nabors, Owens, Peddy, Pynes, Smith of Randolph, Towles, Ward of Dale and Wood—18.

Nays—Messrs. Speaker, Acree, Alford, Alston, Beavers, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Burgess, Byrne, Camp, Chapman, Clanton of Sumter, Cochran, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Gilmore, Haden, Hancock, Howard, Jackson, Jay, King, Kirkland, Langdon, Larkins, Maples, Menasco, McBride, McClanahan, Milligan, Miree, Moragne, Nicholson, Odem, Pennington, Portis, Powell, Reid, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, White, Wright and Woolsey—60.

Mr. Sheffield then desired to withdraw the resolution, but the House refused to allow it.

The question then recurred upon the motion of Mr. Sheffield.

The motion was lost.

Yeas 34 ; nays 50.

Yeas—Messrs. Acree, Alford, Beck, Brown of Marion, Carpenter, Clanton of Montgomery, Fowler, Garleck, Goode, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Moore, Nabors, Peddy, Pennington, Portis, Pynes, Sheffield, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Winston, Wright and Wood—34.

Nays—Messrs. Speaker, Alston, Barry, Beavers, Belser, Bishop, Bradley, Brown of Tuskalooza, Browder, Burgess, Byrne, Camp, Chapman, Clanton of Sumter, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Benton, English, Gilmore, Haden, Hancock, Hobbs, Howard, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith

of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Woolsey—50.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills, entitled as follows :

For the benefit of minors working in the Factories of this State ;

To regulate and define the duty and liabilities of Railroad Companies in this State.

The Senate has rejected the following House bills :

For the relief of Calvin A. Crow and Allen W. Wickson, of St. Clair county ;

To make the practice of Probate Judges in this State uniform ;

To authorize the Mayor and Aldermen of the city of Tuscaloosa, to subscribe for stock in Railroads ;

To change the boundaries of the county of Hancock, and for other purposes.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved the following bills, which originated in the House :

An act to change the time of holding the next Spring term of the Circuit Court of Talladega county ;

An act to amend an act to incorporate the Alabama Coal Mining Company ;

An act to retake testimony of witnesses in certain cases ;

An act for the relief of Jeannett C. Todd, of the county of Clark ;

An act to change the manner of appointing overseers of roads in Marion and Walker counties ;

An act authorizing the Commissioners' Court of the county of DeKalb, to reconvey land in a certain case.

An act to regulate marriage license in Benton county ;

An act for the benefit of Sumter county ;

An act for the relief of the administrator of Thomas S. May, and others ;

An act to compensate J. K. Robertson and G. W. Carrier, of Barbour county ;

An act authorizing the garnishment of private corporations ;

An act to provide for the payment of Jurors in Choctaw co. ;

An act to authorize Susan Lee, to erect two gates on the Pipkins' Ferry and Livingston road.

The House then proceeded to the consideration of the veto message of the Governor, on the "bill to be entitled an act to incorporate the Alabama Copper Mining Company."

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 11, 1856.

*To the House of Representatives :*

The "bill to be entitled an act to incorporate the Alabama Copper Mining Company," proposes not only to incorporate it as such, but also as a private Railroad Company ; and is objectionable in both aspects. In the first, it is made an unlimited corporation, and allowed to hold as much land as is deemed proper for the use of the Company. In the second, it is permitted to confiscate the lands of the citizen to the use of the Company for the construction of private Railroads. The value of the lands so confiscated, is to be ascertained, at no little cost, by summoning jurors for that purpose. This cost will of course, I presume, come out of the owners of the lands, as no provisions are made to the contrary ; and, probably, in many cases, leave them little or nothing for the assessed value of their lands, beyond the costs accruing in the condemnation.

Where the Legislature gets its authority from to make such provisions, I am at a loss to know. Though we have a general law in the Code authorizing the confiscation of private property for the use of Railroad Companies, I doubt much its constitutionality. The Constitution provides for the taking of private property only for public use and upon just compensation therefor ; and it is but a fair deduction, that the taking of it for private use, or the use of private corporations, upon any terms, was designed to be prohibited by that instrument. It certainly was never dreamed of by the framers of it, to give to such companies as this, at least, the right to trespass upon and appropriate to their own use such private property as might be deemed necessary to the advancement of their own private ends. If this principle can be urged as just in this case, it can be in any other. If it be put upon the ground that it is a benefit to the State, any other Company can use the same plea. A Company may be incorporated for the purpose of manufacturing cotton goods with the privilege of confiscating any lands for the location of its buildings, because, forsooth, the factory will be of benefit to the State. The same principle would enable a chartered com-

pany of ironmongers to confiscate the site of the Exchange Hotel, at Montgomery, into the use of the company for an iron foundry ; or an incorporated company of butchers, to convert the premises into a butcher-shop. The principle renders men insecure in their property, and enables corporations to drive them out of house and home and compel them to seek habitation elsewhere. I cannot give my sanction to the bill.

Respectfully,

JOHN A. WINSTON.

Mr. Menasco moved to postpone the further consideration of the bill and veto message, until Thursday next, at 10 o'clock, A. M., and to make it the special order for that hour.

Lost.

Yeas 30 ; nays 52.

Yeas—Messrs. Acree, Alford, *Beck*, *Brown* of Marion, Fowler, Garleck, Gilmore, Goode, Grubbs, Jackson, Jones, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorner, Nabors, Peddy, Pennington, Portis, Pynes, Reid, Sheffield, Smith of Randolph, Taylor of Coosa, Towles and Wood—30.

Nays—Messrs. Speaker, Barry, *Beavers*, *Belser*, *Bishop*, *Bradley*, *Brown* of Tuskaloosa, Browder, Burgess, Camp, Chapman, Clanton of Montgomery, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Graham, Haden, Hancock, Hobbs, Howard, Jay, King, Kirkland, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Owens, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Wright and Woolsey—52.

And the House refused to pass the bill.

Yeas 46 ; nays 34.

Yeas—Messrs. Speaker, Acree, Barry, *Belser*, *Bishop*, *Bradley*, *Brown* of Tuskaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Haden, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Miree, Nicholson, Odem, Powell, Reid, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Wright and Woolsey—46.

Nays—Messrs. Alford, *Beavers*, *Beck*, *Brown* of Marion, Burgess, Clanton of Sumter, Cochran, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Hancock, Jackson, Kirkland,

Leckett, Lynch, Menasco, McConnell, Milligan, Moragne, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Smith of Lauderdale, Smith of Randolph, Taylor of Coosa, Towles and Wood—34.

The House then proceeded to the consideration of the Senate bill to prevent the sale of spirituous liquors within one mile and a half of the lot and building, known as *Barne's Store*, at Pleasant Ridge, in the county of Greene, which was vetoed by the Governor.

Mr. Thornton entitled to the floor, the hour of half past 1 o'clock arrived, and the House stood adjourned until half past 3 o'clock, this evening.

#### AFTERNOON SESSION, February 11, 1856.

The House met pursuant to adjournment.

Mr. Smith of Lauderdale moved a call of the roll.

Mr. Portis, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

An act for the relief of William P. DeWitt, of Barbour county ;

An act to compensate Thomas S. Locke, of Barbour county ;

An act in relation to hunting wild hogs in Marengo county, and other counties therein named ;

An act to increase the license to sell spirits within three miles of the city of Montgomery ;

An act for the relief of Wm. Norton ;

An act to authorize James S. Murphy, of Greene, and others to peddle books without license, &c.

Mr. Jay moved to suspend the regular order of business, to take up the bill to render more efficient the system of Free Public Schools in the State of Alabama.

Lost.

Yeas 27 ; nays 46.

Yeas—Messrs Speaker, Beavers, Bishop, Bradley, Brown of Tuskaloosa, Camp, Critcher, Curry, Davis, Ellis of Benton, Hobbs, Jay, Jones, Maples, Nicholson, Odem, Portis, Powell, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Taylor of Coosa and Thorn.—7.

Nays—Messrs. Acree, Alford, Alston, Barry, Beck, Belser, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Ellis of Blount, Fowler, Goode, Grubbs, Haden, Howard, Jackson, King, Kirkland, Langdon, Larkins, Lockett, Lynch, Menasco, McClanahan, McConnell, Milligan, Miree, Mo-

ragne, *Moorer*, *Nabors*, *Owens*, *Peddy*, *Reid*, *Smith of Randolph*, *Staton*, *Taylor of Chambers*, *Thornton*, *Towles*, *Ward of Dale*, *White*, *Winston*, *Wright and Wood*—46.

The House resumed the consideration of the veto message and bill, which was under consideration when the House adjourned.

The question, "shall the bill pass?"

Lost.

Yeas 32 ; nays 37.

Yeas—Messrs. *Speaker*, *Alston*, *Barry*, *Belser*, *Bishop*, *Byrne*, *Carpenter*, *Chapman*, *Critcher*, *Cunningham*, *Curry*, *Ellis of Benton*, *Fowler*, *Haden*, *Hobbs*, *Howard*, *Jay*, *Langdon*, *Larkins*, *McClanahan*, *Miree*, *Nicholson*, *Odem*, *Owens*, *Powell*, *Reid*, *Remson*, *Rhodes*, *Rice*, *Thornton*, *Thorn and White*—32.

Nays—Messrs. *Acree*, *Alford*, *Beavers*, *Bradley*, *Brown of Marion*, *Browder*, *Burgess*, *Camp*, *Davis*, *Ellis of Blount*, *Goode*, *Grubbs*, *Hancock*, *King*, *Kirkland*, *Lockett*, *Menasco*, *McConnell*, *McMullen*, *Milligan*, *Moragne*, *Nabors*, *Peddy*, *Pennington*, *Portis*, *Pynes*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Smith of Lauderdale*, *Smith of Randolph*, *Taylor of Coosa*, *Towles*, *Ward of Dale*, *Winston*, *Wright and Wood*. —37.

Mr. Jackson moved to reconsider the vote by which the House refused to pass the bill over the Executive veto, to incorporate the Alabama Copper Mining Company.

The vote was reconsidered, and the House refused to pass the bill.

Yeas 45 ; nays 25.

Yeas—Messrs. *Speaker*, *Barry*, *Belser*, *Bishop*, *Bradley*, *Brown of Tuskaloosa*, *Browder*, *Byrne*, *Camp*, *Carpenter*, *Chapman*, *Curry*, *Davis*, *Ellis of Benton*, *Fowler*, *Graham*, *Haden*, *Hobbs*, *Howard*, *Jackson*, *Jay*, *Jones*, *King*, *Langdon*, *Larkins*, *Maples*, *McBride*, *McClanahan*, *Miree*, *Nicholson*, *Odem*, *Powell*, *Reid*, *Remson*, *Rhodes*, *Rice*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Smith of Randolph*, *Thornton*, *Thorn*, *Ward of Cherokee*, *Wright and Wood*—45.

Nays—Messrs. *Acree*, *Alford*, *Beavers*, *Beck*, *Burgess*, *Ellis of Blount*, *Goode*, *Grubbs*, *Hancock*, *Kirkland*, *Lockett*, *Lynch*, *Menasco*, *McConnell*, *McMullen*, *Moorer*, *Peddy*, *Pennington*, *Portis*, *Pynes*, *Smith of Lauderdale*, *Taylor of Coosa*, *Towles*, *Ward of Dale* and *Winston*—25.

Engrossed bills :

To incorporate the Tuskaloosa and Columbus Railroad Company ;



To compensate Physicians for certain services therein named ;

To incorporate the Jackson Guards ;

Were severally read the third time and passed.

The engrossed bills :

To incorporate the Autaugaville Male and Female Academy ;

For the relief of shippers of produce and merchandize on Railroads ;

Were severally read the third time and passed, and ordered forthwith to the Senate.

The engrossed bill :

To prevent the sale of intoxicating liquors within two miles of Horace Ware's Furnace and Foundry, in Shelby county, was read the third time, and the yeas and nays were called on the passage of the bill.

The same was lost.

Yeas 27 ; nays 43.

Yeas—Messrs. Speaker, Alston, Beavers, Belser, Bishop, Byrne, Chapman, Critcher, Cunningham, Curry, Davis, Fowler, Haden, Hobbs, Jay, King, McClanahan, Moragne, Odem, Owens, Reid, Remson, Rhodes, Rice, Thornton, Thorn and White—27.

Nays—Messrs. Acree, Alford, Barry, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Carpenter, Ellis of Blount, Ellis of Benton, Goode, Graham, Grubbs, Hancock, Howard, Jackson, Kirkland, Langdon, Larkins, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Nabors, Peddy, Pennington, Portis, Powell, Pynes, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood—43.

The engrossed bill :

To incorporate the town of McKinley, in Marengo county, was read the third time.

Mr. Menasco called the yeas and nays on the passage of the bill.

The same was lost.

Yeas 17 ; nays 56.

Yeas—Messrs. Alston, Barry, Byrne, Cunningham, Fowler, Hobbs, Jay, Jones, King, Larkins, Odem, Owens, Reid, Rice, Thornton, Thorn and White—17.

Nays—Messrs. Speaker, Alford, Beavers, Belser, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Camp, Critcher, Curry, Davis, Ellis of Blount, Ellis of Ben-

ton, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jackson, Kirkland, Langdon, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moerer, Nabors, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood—56.

The bill to apportion Representatives among the several counties in this State and to divide the State into Senatorial Districts, was read the third time.

Mr. Menasco moved to lay the bill on the table, and to take up the Senate bill on the same subject.

Lost.

Yeas 33 ; nays 46.

Yeas—Messrs. Barry, Brown of Marion, Brown of Tuska-loosa, Byrne, Camp, Clanton of Sumter, Crawford, Cunningham, Ellis of Benton, Hobbs, Jackson, King, Langdon, Little, Menasco, McClanahan, McMullen, Miree, Moragne, Moorer, Odem, Owens, Powell, Reid, Remson, Smith of Franklin, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, White and Wright—33.

Nays—Messrs. Speaker, Acree, Alford, Alston, Beck, Belser, Bradley, Browder, Carpenter, Chapman, Critcher, Curry, Davis, Ellis of Blount, Garleck, Graham, Grubbs, Haden, Hancock, Howard, Jay, Kirkland, Larkins, Lockett, Lynch, Maples, McBride, McConnell, Milligan, Nabors, Nicholson, Peddy, Pennington, Portis, Pynes, Rhodes, Rice, Sanford, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Coosa, Ward of Cherokee, Ward of Dale, Winston and Wood.—46.

The question then was upon the passage of the bill, when Mr. Camp moved to amend by way of engrossed ryder, as follows, viz :

By putting Bibb and Shelby together, to constitute the twenty-first, and Jefferson and St. Clair, the twenty-fifth.

Mr. Speaker decided the engrossed ryder, to be out of order.

Mr. Camp appealed from the decision of the Chair, and the question being—"shall the decision of the Chair stand as the decision of the House?"

It was decided in the affirmative.

The yeas and nays were then called upon the passage of the bill.

The same was passed.

Yeas 52 ; nays 26.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Belser, Bradley, Brown of Marion, Browder, Burgess, Carpenter, Clanton of Montgomery, Critcher, Cunningham, Curry, Echols, Ellis of Blount, Fowler, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, Jay, Jones, Kirkland, Larkins, Lockett, Lynch, *McBride*, Milligan, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Pyues, Rice, Sanford, Sheffield, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Ward of Cherokee, Ward of Dale, Winston, Wood and Woolsey—52.

Nays—Messrs. Alston, Barry, *Beavers*, Brown of Tuscaloosa, Byrne, Camp, Clanton of Sumter, Crawford, Ellis of Benton, Jackson, King, Little, Menasco, McClanahan, McConnell, Miree, Moragne, *Moorer*, Portis, Powell, Reid, Smith of Franklin, Taylor of Mobile, Thornton, Thorn, White and Wright—26.

Mr. Thornton asked and obtained leave of absence for Mr. Little.

Mr. Jones moved to suspend the business before the House, to take up the bill to render more efficient the system of Free Public Schools in this State. Lost.

Yeas 41 ; nays 40.

Yeas—Messrs. Speaker, Alston, *Belser*, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Camp, Clanton of Montgomery, Cochran, Crawford, Critcher, Curry, Ellis of Blount, Ellis of Benton, English, Garleck, Grubbs, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lockett, Maples, *McBride*, McConnell, Powell, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, *Ward* of Cherokee, *Ward* of Dale, and *Winston*—41.

Nays—Messrs. Acree, Alford, Barry, Beck, Burgess, Byrne, Carpenter, Clanton of Sumter, Cunningham, Echols, Fowler, Goode, Graham, Haden, Howard, Langdon, Lynch, *Menasco*, McClanahan, McMullen, Milligan, Miree, *Moragne*, *Moorer*, Nabors, Odem, Owens, Peddy, Pennington, Portis, Pynes, Reid, Taylor of Coosa, Taylor of *Mobile*, Thornton, Thorn, Towles, *White*, *Wright* and *Wood*—40.

Senate bills :

To authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in the county of Franklin.

To amend an act to authorize and regulate the business of Banking, approved 12th February, 1850.

To incorporate the Alabama Fire Engine Company, number 2.

To amend the charter of the town of *Marion*, in the county of *Perry*.

To alter and amend the charter of the town of *Eufaula*, in *Barbour* county.

To incorporate the *Macon County Railroad Company*.

To incorporate the *Lyon Marine Fire Insurance Company*, at *Demopolis, Alabama*.

To Incorporate the *Marine Insurance Trust Company*.

To incorporate the *Mobile and Girard Northern Railroad Company*;

Were severally read the third time and passed; and the two last named bills were ordered to be sent to the Senate.

The House bill:

To enable the trustees of township 13, range 5, east, in *Wilcox* county, to divide the money due said township, was read the second time, and the constitutional rule being suspended, the same was read the third time and passed.

The House bill:

To regulate the amount of taxes to be collected on the sale of property at auction, was, under a suspension of the rule, read three times.

Mr. Owen moved to lay the bill on the table.

And the bill was laid upon the table.

Yeas 42; nays 23.

Yeas—Messrs. *Acree, Alford, Alston, Barry, Beavers, Brown of M., Brown of T., Browder, Burgess, Clanton of S., Cunningham, Curry, Echols, Goode, Haden, Jay, Jones, Kirkland, Lynch, Menasco, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nabors, Odem, Owens, Powell, Pynes, Reid, Smith of Franklin, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Winston and Wright*—42.

Nays—Messrs. *Beck, Bradley, Camp, Carpenter, Chapman, Clanton of Montgomery, Ellis of Benton, Fowler, Galloway, Garleck, Graham, Hancock, Howard, Jackson, Larkins, Lockett, Peddy, Portis, Rice, Sanford, Smith of Lauderdale, Taylor of Mobile, Wood and Woolsey*—23.

Mr. Beck moved to suspend the rule, so as to allow him to introduce a bill.

Also, for Mr. Reid to introduce a bill.

Carried.

Mr. Beck then introduced a bill to make an appropriation to pay a certain person therein named, which was read, and the

constitutional rule being suspended, the same was read the second time.

Mr. Clanton of Montgomery moved to amend by adding the sum of thirty-four dollars and fifty-one cents to J. B. Stow.

Adopted.

And the bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed, and ordered to be sent forthwith to the Senate.

Mr. Reid introduced a bill to amend section 2806 of the Code, which was read, the constitutional rule suspended.

Mr. Camp moved that when the House adjourn, it adjourn to meet to-morrow morning at half past 9 o'clock.

The yeas and nays were called.

Yeas 36 ; nays 27.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Bradley, Brown of Marion, Brown of Tuskaloosa, Camp, Carpenter, Chapman, Crawford, Echols, Ellis of Blount, Ellis of Benton, Fowler, Graham, Grubbs, Haden, Jackson, Jones, Larkins, Lockett, Lynch, McBride, McMullen, Nicholson, Pennington, Powell, Rice, Smith of Franklin, Thornton, Thorn, Winston, Wood and Woolsey—36.

Nays—Messrs. Alston, Beck, Belser, Browder, Clanton of Sumter, Cunningham, Curry, Howard, Jay, Langdon, Menasco, McClanahan, McConnell, Milligan, Miree, Moragne, Moorner, Nabors, Owens, Peddy, Portis, Pynes, Sanford, Taylor of Chambers, Ward of Cherokee, Ward of Dale, and White—27.

The hour of half past 5 o'clock arrived, and the House adjourned until to-morrow morning, at half past 9 o'clock.

TUESDAY, February 12, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

On motion by Mr. Staton, the reading of the journal was dispensed with.

Mr. Beck moved to suspend the business before the House, to take up the bill for the burning of certain bank bills of the State Bank and Branches.

The yeas and nays were demanded.

Carried.

Yeas 44 ; nays 39.

Yeas—Messrs. Acree, Alston, Barry, Beavers, Beck, Brown of Marion, Browder, Carpenter, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Gilmore, Goode, Graham,

Grubbs, Jackson, Jay, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Ward of Dale, White, Wright and Wood—44.

Nays—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskaloosa, Byrne, Camp, Chapman, Cochran, Crawford, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklih, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee and Woolsey—39.

The House then proceeded to the consideration of said bill and the adverse report of the committee on State Bank and Branches thereon.

Mr. Lynch moved to lay the report adverse on the table, and called yeas and nays.

Mr. Camp moved to postpone the report and bill, to take up the bill to render more efficient the system of Free Public Schools in the State of Alabama.

Mr. Thornton called for the yeas and nays on said motion.

Lost.

Yeas 39 ; nays 42.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskaloosa, Byrne, Camp, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, Haden, Hancock, Hobbs, Howard, Jay, King, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, and Woolsey—39.

Nays—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Ward of Dale, White, Wright and Wood—42.

Mr. Woolsey moved to postpone the further consideration of the bill, to allow committee on Federal relations to report upon the Kansas bill.

The yeas and nays were called.

Lost.

Yeas 31 ; nays 50.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskalooosa, Byrne, Camp, Chapman, Cochran, Crawford, Davis, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Maples, McBride, McClanahan, Nicholson, Odem, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thornton, Thorn and Woolsey—31.

Nays—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Brown of Marion, Browder, Burgess, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jav, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, Milligan, Miree, Morague, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Powell, Pynes, Reid, Remson, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, White, Winston, Wright and Wood—51.

Message from the Senate by Mr. Taul, Assistant Secretary:

Mr. Speaker :

The Senate has passed House bills entitled as follows :

An act to incorporate the Talladega Insurance Company

To legalise election precincts Nos. 18 and 19, in Talladega county.

To repeal in part and amend an act therein named.

To change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair.

Also, originated and passed a bill for the relief of certain persons therein named.

The question then recurred upon the motion of Mr. Lynch to lay the report on the table.

The same prevailed.

Yeas 46 ; nays 39.

Yeas—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Brown of Marion, Burgess, Carpenter, Clanton of Sumter, Clanton of Montgomery, Echols, Fowler, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jav, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Wright and Wood—46.

Nays—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskalooosa, Byrne, Camp, Chapman, Cochran, Crawford,

Critcher, Cunningham, Curry, Davis, Ellis of Benton, Haden, Hancock, Hobbs, Howard, King, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, and Woolsey—39.

Mr. Speaker Walker (*Mr. Rice in the chair*) moved to postpone the further consideration of the bill until Friday next, at ten minutes before 12 o'clock, M., and called for the yeas and nays.

Lost.

Yeas 42, nays 45.

Yeas—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskaloosa, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, and Woolsey—12.

Nays—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Brown of Marion, Browder, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Nabors, Owens, Peddy, Portis, Pynes, Reid, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Winston, Wright and Wood—43.

Mr. Belser offered a substitute for said bill.

Mr. Winston moved to postpone the further consideration of the bill and substitute until Thursday next, at 12 o'clock, M.

Carried.

Yeas 45; nays 42.

Yeas—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, Winston and Woolsey—42.

Nays—Messrs. Acree, Alford, Alston, Barry, Beck, Brown



of Marion, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Fowler, Garleck, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Miree, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Smith of Randolph. Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, Wright and Wood—42.

Mr. Belser moved to suspend business, &c., in order to take up the bill to render more efficient the system of Free Public Schools in the State of Alabama.

Mr. Beck called for the yeas and nays on said motion, and the same prevailed.

Yeas 56; nays 37.

Yeas—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of Blount, Ellis of Benton, English, Fowler, Haden, Hancock, Hobbs, Howard, Jackson, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Wright, Wood and Woolsey—56.

Nays—Messrs. Acree, Barry, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Echols, Garleck, Goode, Graham, Grubbs, Kirkland, Lockett, Lynch, McConnell, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White and Winston—27.

Mr. Goode moved to postpone said bill until Thursday next, at 10 o'clock, A. M., and called for the yeas and nays.

Lost.

Yeas 22; nays 63.

Yeas—Messrs. Acree, Alford, Barry, Beck, Clanton of Sumter, Echols, Garleck, Goode, Graham, Grubbs, Lynch, Lockett, Menasco, McConnell, McMullen, Pennington, Portis, Pynes, Taylor of Coosa, Towles, Ward of Dale and White—22.

Nays—Messrs. Speaker, Alston, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Cunningham, Curry, Davis, Ellis of B., Ellis of B., English, Fowler, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Langdon, Larkins, Maples, McBride, Mc-

Clanahan, Milligan, Miree, Moragne, Nabors, Nicholson, Odem, Owens, Peddy, Powell, Remson, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Mobile, Thoruton, Thorn, Ward of Cherokee, Winston, Wright, Wood and Woolsey—63.

Mr. Barry moved to suspend the business before the House, to introduce a resolution.

Mr. Echols called for the yeas and nays, and the House refused to suspend.

Yeas 24 ; nays 59.

Yeas—Messrs. Acree, Alford, Alston, Barry, Beck, Clanton of Sumter, Cochran, Crawford, Garleck, Goode, Graham, Jackson, Lockett, Lynch, Menasco, McConnell, McMullen, Milligan, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Taylor of Coosa, Towles and White—24.

Nays—Messrs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Kirkland, Larkins, Maples, McBride, McClanahan, Miree, Moragne, Nicholson, Odem, Powell, Reid, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Talor of Chambers, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Winston, Wright, Wood and Woolsey—59.

Mr. Portis, from the committee on Enrolled Bills, to which was referred the following bills, have examined the same, and instruct me to report the same as correctly enrolled :

A joint memorial of the Senate and House of Representatives of the General Assembly of the State of Alabama, to the Congress of the United States.

An act to legalize election precincts Nos. 18 and 19, in Talladega county.

An act to incorporate the Talladega Insurance Company.

Message from the Senate :

Mr. Speaker :

The Senate has passed a House bill with the following title :

Establishing annual sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof.

The Senate has originated and passed a bill for the relief of certain persons therein named.

The House then proceeded to the consideration of the bill to render more efficient the system of Free Public Schools in the State of Alabama, and the fifteenth, sixteenth, seventeenth and eighteenth amendments of the Senate, were severally concurred in.

The House refused to concur in the nineteenth amendment, and concurred in the twentieth, twenty-first, twenty-second and twenty-third amendments.

And on motion of Mr. Powell, said bill was ordered to be sent forthwith to the Senate.

Mr. Cochran moved to suspend the business before the House, to make reports. Carried.

Mr. Cochran, from the committee on the Judiciary, reported favorably on the bill

To equalize the Homestead Exemption Act, and moved a suspension of the rule, to give the bill a third reading forthwith.

Lost.

Said bill was ordered to be engrossed.

Also, favorably to the bill

To authorize the stay of executions in the Circuit Court, when judgment is rendered at the first term after suit brought—with an amendment thereto.

Said amendment was adopted.

Mr. Nabors moved to suspend the rule requiring the House to adjourn at 1½ o'clock, and demanded the yeas and nays—pending the call of which, the hour of 1½ o'clock arrived, and

The House stood adjourned until 3½ o'clock this evening.

#### AFTERNOON SESSION, February 12, 1856.

The House met pursuant to adjournment.

On motion of Mr. Maples,

The roll was called, and the following members answered to the call :

Mes-srs. Speaker, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Clanton of Sumter, Cochran, Cunningham, Curry, Echols, Ellis of Blount, Garleck, Graham, Grubbs, Haden, Hancock, Howard, King, Langdon, Larkins, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Miree, Moragne, Nicholson, Pennington, Portis, Pynes, Reid, Rice, Sanford, Smith of Franklin, Smith of Randolph, Staton, Thorn, Towles, Ward of Dale, White, Wright and Wood.

Mr. Graham, by leave, introduced a bill  
To incorporate the *Wetumpka Insurance Company*.

Mr. Belser, by leave, introduced a bill

To authorize Benjamin Perry to erect a gate across a certain public road therein named.

Said bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times, and passed, and ordered to be sent forthwith to the Senate.

Mr. Milligan, by leave, offered a resolution—

Instructing the Judiciary committee to take under consideration, and report by bill or otherwise, in relation to a certain amount paid by the Comptroller, to “Dale county,” which should have been paid to the county of Coffee, which was read, and the rule being suspended, the same was read the second time, and referred to the committee on the Judiciary.

Mr. Jackson moved to suspend business, &c., to take up the bill to incorporate the Jackson Guards.

Lost.

The House proceeded to the consideration of the bill

To repeal a certain act therein named.

Mr. Curry offered a substitute therefor,

Which was adopted.

Mr. Smith of Lauderdale moved to amend, as follows:

“And provided further: That the Governor may discontinue the agent and appoint another, whenever, in his opinion, the interest of the State may require it.”

Said amendment was adopted.

Mr. Smith of Lauderdale moved to suspend the constitutional rule.

Mr. Belser called for the yeas and nays on said motion.

Yeas 55; nays 23.

Yeas—Messrs. Speaker, Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Browder, Burgess, Camp, Chapman, Cochran, Curry, Davis, Ellis of Benton, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Jay, Jones, King, Kirkland, Larkins, Lockett, Maples, Menasco, McClanahan, McConnell, Milligan, Moragne, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, Winston, Wood and Woolsey—55.

Nays—Messrs. Alston, Barry, Belser, Byrne, Clanton of Montgomery, Crawford, Cunningham, Echols, English, Gar-

leck, Howard, Langdon, McBride, McMullen, Miree, Moorer, Nicholson, Odem, Owens, Reid, Ward of Dale, White and Wright—23.

Four-fifths not voting in the affirmative, said motion was lost, and the bill was ordered to be engrossed.

Mr. King moved to suspend business before the House, &c., to take up the Senate bill

For the printing and distribution of the Report of the State Geologist.

Said motion prevailed.

Yeas 55 ; nays 18.

Yeas—Messrs. Speaker, Alston, Beavers, Beck, Belser, Bishop, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Crawford, Curry, Echols, Ellis of Benton, Goode, Graham, Haden, Hancock, Howard, Jay, Jones, King, Kirkland, Langdon, Larkins, Lockett, Maples, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Nicholson, Owens, Pennington, Powell, Pynes, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, White, Winston, Wood and Woolsey—55.

Nays—Messrs. Barry, Bradley, Brown of Marion, Burgess, Clanton of Sumter, Garleck, Jackson, Menasco, Moorer, Paddy, Portis, Reid, Sanford, Staton, Taylor of Mobile, Ward of Cherokee, Ward of Dale and Wright—18.

A veto message was received from the Governor, by J. D. Catlin, Jr., Private Secretary, on the bill—

For the relief of Richard K. Harrison, and other persons therein named.

On motion of Mr. Curry,

Said message was postponed until to-morrow, at 10 o'clock.

A. M.

The bill under consideration was read the second time, and the constitutional rule being suspended, it was read the third time, and passed.

Mr. Smith of Lauderdale moved to suspend the business before the House, to take up the Joint Resolutions to the Congress of the United States, in reference to the duty on Rail Road Iron.

Carried.

Said resolutions were read and adopted.

Mr. Miree moved to suspend, to take up the bill—

To amend section 2806 of the Code, and to allow Mr. Beck to introduce a bill.

Carried.

Said bill was read the second time.

Mr. Thorn moved to amend as follows :

By adding the counties of Shelby, Cherokee, Pike and Monroe.

Said amendment was adopted.

The bill, as amended, was read a third time under a suspension of the rule, and passed, and ordered to be sent forthwith to the Senate.

Mr. Beck introduced a bill to legalize certain election precincts in the county of Wilcox, which was read the first time, and the rule being suspended, the same was read the 2d and 3d times and passed, and ordered to be sent forthwith to the Senate.

Mr. Jackson moved to suspend the business before the House to take up the Senate bill—To incorporate the Jackson Guards, in Autauga county. Also, a bill—For the relief of the heirs of Allen K. Curry. Carried. The first named bill was read the first time, and under a suspension of the rule, the second and third times forthwith, and passed.

The House concurred in the amendments of the Senate to the House bills—

For the relief of John C. Hawkins ; the heirs of Allen K. Curry ; A. Downing and W. J. Ingram ; and Aaron Greene.

Mr. Carpenter moved to suspend, &c., to take up a Senate bill.

Mr. Echols moved to suspend, to take up Senate bills.

Lost.

The Senate bills—

To incorporate the Asbury Female Institute, at Lafayette, in the county of Chambers ;

To amend an act therein named ; were severally read the second time, and ordered to a third reading.

The Senate bills—To pay Bittan & Blue for printing ;

To authorize certain persons therein named to erect a fish trap on Flint River, in Madison county ;

To incorporate the North Alabama Insurance Company, at Huntsville ;

To authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company, and of the West Point and Tennessee River Railroad Company, of the State of Alabama, and for other purposes therein named ;

To legalize the proceedings of the Commissioners' Court of Henry county ;

To amend Section 1186 of the Code of Alabama ;

To establish a Medical Board in the county of Henry.

To establish a Medical Board in the county of Greene ;

To allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Warner Macon, deceased, of Macon county ;

To appropriate certain sums for improvements in the Penitentiary, and for other purposes ;

To regulate the sale of spirituous liquors in Precinct No. 5, in Shelby county ;—

Were severally read the second and third times, under a suspension of the rule, and passed.

The Senate bill—

To make permanent the court house in the county of Bibb, was read the second time, and on motion of Mr. Jay, referred to the committee on Privileges and Elections.

The Senate bill—

To incorporate the Middle Alabama Railroad Company, was read the second time, and ordered to a third reading.

The Senate bill—

To confirm a contract heretofore made, for building a court house in the county of Coosa, was read the second time, and referred to the Judiciary committee.

Mr. Thornton moved that when the House adjourns, it adjourn to meet to-morrow morning, at 9½ o'clock. Lost

The Senate bill—

To amend an act to incorporate the town of Guntersville, in the county of Marshall ; approved February 3, 1848, was read the second time and ordered to a third reading.

The House bills—

To pay Philip D. Roddy a certain sum of money ; and

An act to prohibit the sale of ardent spirits in High Log beat,

Were severally read the second time, and under a suspension of the constitutional rule, were severally read the third time, and passed.

The House bills—

Altering the mode of assessing and collecting the Tax in certain counties ;

Requiring owners of landings on the navigable rivers of this State, to put up sign boards ;

Were severally read the second time, and ordered to be engrossed.

The Joint Resolutions of the General Assembly of the State of Alabama, providing for the call of a Convention were read the second time.

Mr. Brown of Marion moved to lay the resolutions on the table.

Lost.

The resolutions were ordered to be engrossed.

The House concurred in the amendments of the Senate to the House bill, to change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair.

The Senate bills :

To amend the charter of the city of Montgomery ;

To change the time of holding the Chancery Courts in Talladega and Benton counties :

To incorporate the Madison Rifles ;

Were severally read the second time and under a suspension of the constitutional rule, were severally read the third time forthwith and passed.

The Senate bill :

In relation to the rights and liberties of stockholders, was read and ordered to lie upon the table.

The Senate bill :

To amend section 939 of the Code, was read and ordered to a second reading.

Mr. Portis, from the committee on Enrolled Bills, reported the following as correctly enrolled, viz :

An act for the relief of John C. Hawkins, the heirs of Allen K. Curry, W. J. Ingram and Aaron Green.

The hour of half past 5 o'clock arrived, and the House stood adjourned until 7 o'clock, this evening.

#### NIGHT SESSION, February 12, 1956.

The House met pursuant to adjournment.

On motion of

Mr. Davis, the roll was called and the following members answered to the call:

Messrs. Speaker, Acree, Alston, Bradley, Brown of Tuscaloosa, Browder, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Critcher, Curry, Davis, Grubbs, Howard, Kirkland, Larkins, Lockett, Maples, McBride, McClanahan, McConnell, Milligan, Miree, Moragne, Pennington, Portis, Powell, Pynes, Remson, Rice, Sanford, Staton, Thorn, Ward of Dale, White and Wright—39.

No quorum present.

A short time elapsed, when the Chair announced a quorum present and the House proceeded to business.

Mr. Byrne asked leave to withdraw the account of James K. Blount, ex-Sheriff of Washington county.

Granted.



The House resumed the consideration of the report and bill to change the mode of performing militia duty in this State. And the question was upon laying the substitute offered by Mr. Belser on the table.

Lost.

Yeas 20 ; nays 36.

Yeas—Messrs. Acree, Barry, Beavers, Beck, Byrne, Clanton of Montgomery, Howard, Jay, Kirkland, Larkins, McBride, McMullen, Milligan, Miree, Nabors, Pynes, Rhodes, Ward of Cherokee and Wright—20.

Nays—Messrs. Speaker, Alford, Belser, Bradley, Brown of Tuskaloosa, Browder, Burgess, Camp, Carpenter, Chapman, Clanton of Sumter, Critcher, Curry, Davis, Grubbs, Haden, Hancock, Hobbs, Langdon, Lockett, Maples, McClanahan, McConnell, Moragne, Nicholson, Peddy, Portis, Powell, Rice, Sanford, Staton, Thorn, Ward of Dale, White, Winston and Wood—36.

Mr. McMullen moved the indefinite postponement of the bill and substitute.

Carried.

Mr. Portis, from the committee on Enrolled Bills, reported the following as correctly enrolled, viz :

An act establishing Annual Sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof ;

An act to report in part and to amend an act therein named ;

An act for the relief of Sarah Ann Clark, of Morgan county, and others.

Mr. Cunningham, from the committee on Agriculture, reported adversely to the bill to incorporate and to aid the State Agricultural Society of the State of Alabama.

Mr. Davis moved to lay the report on the table.

Carried.

Mr. Beck moved to amend by striking out " twelve thousand dollars," and inserting " two thousand five hundred dollars a year for two years."

Adopted.

Mr. Cochran moved to suspend the constitutional rule, to give the bill a third reading, and the bill was read the third time.

Mr. Beavers called for the yeas and nays on the passage of the bill.

The same was passed, and ordered to be sent forthwith to the Senate.

Yeas 35 ; nays 26.

Yeas—Messrs. Speaker, Acree, Barry, Beck, Belser, Browder, Byrne, Camp, Carpenter, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Davis, Hobbs, Howard, Jay, Langdon, Larkins, McBride, McMullen, Moragne, Pennington, Portis, Powell, Reid, Rhodes, Rice, Taylor of Chambers, White, Winston, Wright, Wood and Woolsey—35.

Nays—Messrs. Alford, Alston, Beavers, Bradley, Burgess, Chapman, Clanton of Sumter, Ellis of Benton, Grubbs, Haden, Hancock, Kirkland, Lockett, Maples, McClanahan, McConnell, Milligan, Nabors, Peddy, Pynes, Sanford, Smith of Randolph, Staton, Thorn, Ward of Cherokee and Ward of Dale—26.

Reports from standing committees :

Mr. Hancock, from the committee on Roads, Bridges and Ferries, reported favorably upon the bills to authorize A. Wood, to erect gates across a certain road therein named ;

To authorize Daniel Roberts, to erect a gate across a certain road therein named ;

For the relief of John Lawrence, of Cherokee county ;

Which bills were severally read the third time under a suspension of the constitutional rule and passed.

Ordered to be sent forthwith to the Senate.

Mr. Hancock, from same committee, to which was referred a petition, made the following report :

The committee on Roads, Bridges and Ferries, to which was referred a petition, have considered the same, and instruct me to report the following bill and recommend its passage, declaring Pidgeon *alias* Shoal Creek, a public highway in the county of Covington.

Mr. Hancock, from same committee, reported adversely to the bill to authorize Jessee Thompson and J. T. Zimmerman, to establish a ferry across Tallapoosa river, upon their own land, at or near Jordan's Old Ferry, on the line between Macon and Montgomery counties.

Mr. Cunningham moved to lay the report upon the table.

Lost.

The report was then concurred in.

Mr. Woolsey, from the committee on the Penitentiary, to which was referred the communication of the Governor, in relation to changing the law empowering him to offer rewards for the retaking and apprehension of criminals in certain cases, have instructed me to report that a bill has already passed this House making the alterations.

Carried.

On motion of

Mr. Cochran, the committee was discharged, &c.

Mr. Cochran, from the committee on the Judiciary, reported favorably upon the following Senate bills, viz :

Fixing the time for holding certain Courts therein named ;

To fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties ;

To amend section 1953 of the Code of Alabama ;

To compensate Jurors and Constables in Justices' Courts ;

In respect to the guardianship of the property of non-resident minors ;

To provide for the burial expenses of the poor ;

Which bills were severally read the third time under a suspension of the constitutional rule and passed.

Mr. Cochran, from the same committee, reported favorably upon the following House bills :

To repeal sections 939, 940 and 941 of the Code, so far as Barbour county is concerned.

The constitutional rule was suspended, and the bill was read the third time.

The yeas and nays were called upon its passage.

Passed.

Yeas 39 ; nays 13.

Yeas—Messrs. Acree, Alford, Barry, Belser, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Clanton of Montgomery, Cochran, Critcher, Cunningham, Ellis of Benton, Grubbs, Haden, Hancock, Hobbs, Howard, Larkins, Lockett, Maples, McBride, McClanahan, McMullen, Milligan, Nicholson, Peddy, Pennington, Powell, Pynes, Rhodes, Sanford, Staton, Taylor of Chambers, Winston, Wright, Wood and Woolsey—39.

Nays—Messrs. Alston, Beavers, Burgess, Curry, Jay, Kirkland, McConnell, Miree, Moragne, Nabors, Portis, Rice and Smith of Randolph—13.

To increase the pay of Grand and Petit Jurors in the county of Cherokee, and for other purposes ;

To authorize Warren Bailey, to remove the estate of his ward, Louisa Ann Young, minor heir of James A. Young, deceased, from this State to the State of Arkansas ;

An act for the benefit of Frederick Peryuer ;

An act to repeal in part a certain act therein named ;

An act relating to taxes in the city of Mobile ;

To make the next of kin to Henry Miller, deceased, to inherit his real estate ;

To amend section 3222 of the Code of Alabama ;

To amend an act therein named ,  
 To prohibit gambling on steamboats ;  
 To amend section 3500 of the Code ;  
 To prohibit the teaching of slaves to read or write.

Mr. Beck, from the same committee, reported favorably upon the bill concerning bail in criminal cases ;

Which bills were severally read the third time under a suspension of the constitutional rule and passed.

Mr. Speaker Walker, (Mr. Curry in the chair) by leave introduced a bill to incorporate the Florence Insurance Company, which was read and the constitutional rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Cochran, from the committee on the Judiciary, reported favorably upon the bill in relation to escheats, general administrators and guardians.

The constitutional rule was suspended and the bill was read three times.

Mr. Howard moved to amend by way of engrossed ryder, as follows :

Provided that the provisions of this act shall apply only to Mobile county.

Said ryder was read the first, second and third times and adopted.

The yeas and nays were called on the passage of the bill.

Passed.

Yeas 37 ; nays 21.

Yeas—Messrs. Speaker, Acree, Barry, Bradley, Brown of Tuskalooza, Browder, Byrne, Camp, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Haden, Hancock, Hobbs, Howard, Jay, Langdon, Larkins, Maples, McBride, McMullen, Miree, Peddy, Pennington, Portis, Powell, Pynes, Rhodes, Rice, Smith of Randolph, Ward of Dale, Winston, Wright and Woolsey—37.

Nays—Messrs. Alford, Alston, Beavers, Beck, Belser, Carpenter, Chapman, Clanton of Sumter, Ellis of Benton, Grubbs, McClanahan, Milligan, Moragne, Nabors, Reid, Sanford, Staton, Taylor of Mobile, Thorn, Ward of Cherokee and White.—21.

Mr. McBride by leave, introduced a bill for the relief of J. C. Alford and Jefferson M. Townsend, of Pike county, which was read the first time and the constitutional rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Reid, by unanimous consent of the House, introduced a bill to change the time of holding the Circuit Court in Dallas county, which was read the first time, and under a suspension of the rule, the second and third times forthwith and postponed until to-morrow, 10 o'clock, A. M., and made the special order for that hour.

Mr. Clanton, by leave, offered the following resolution, which was adopted.

*Resolved*, That it be the duty of the Secretary of State, to contract for and have executed the necessary repairs to the State Capital, and to have the same in good order for the next meeting of the General Assembly.

Mr. Acree, by leave, introduced a bill to repeal in part an act to regulate the pay of Grand and Petit Jurors for the county of Covington, and for other purposes, which was read the first time and the rule being suspended, the same was read second and third times forthwith and passed.

On motion of

Mr. Belser, the House adjourned until to-morrow morning, half past 9 o'clock.

WEDNESDAY, February 13, 1856.

The House met pursuant to adjournment.

On motion of

Mr. Camp, the reading of the Journal and the call of the counties was dispensed with.

Mr. Cochran moved to take up the Senate bill to amend section 939 of the Code of Alabama.

Carried.

Said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. King moved to suspend, &c., to allow him to introduce a bill ;

Mr. Bishop to make a report ;

Mr. Cunningham to take up the change bill ;

Mr. Staton to take up Senate bill ;

The House refused to suspend.

Leave was granted to Messrs. Menasco, Moorer, Brown of Marion, Smith of Franklin and Gilmore, to record there votes in the negative on the vote postponing the bill for the burning of certain notes of the State Bank and Branches.

Also,

To Mr. Towles, to record his vote in the affirmative on the same question.

Leave was granted to Messrs. Remson and King, to record

their votes in the affirmative, on the bill appropriating five thousand dollars to the State Agricultural Society.

Mr. Milligan, from the committee on Ways and Means, reported favorably upon the Senate bill, to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale. Said bill was ordered to a third reading.

Also,

Reported adversely to the bill to amend section 425 of the Code.

Said report was concurred in.

Mr. Jackson, from the same committee, reported adversely to the first resolution requiring as to the expediency of reducing the State tax;

2. A resolution that the committee of Ways and Means, inquire into the expediency of reducing the State tax;

3. A resolution upon the subject of Annual Sessions of the Legislature;

A resolution upon the subject of limiting the Sessions of the Legislature.

Said reports were severally concurred in.

Mr. Jackson, from the committee on Ways and Means, to which was referred the bill to increase the salary of the State Treasurer, reported that the committee was unable to agree, and reported the same back to the House for its action.

Mr. Menasco moved to lay the bill on the table.

The yeas and nays were demanded.

The bill was laid on the table.

Yeas 57; nays 14.

Yeas—Messrs. Speaker, Acree, Alford, Alston, Barry, Beavers, Beck, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Burgess, Camp, Carpenter, Clanton of Sumter, Cunningham, Davis, Dawson, Echols, Ellis of Benton, Garleck, Gilmore, Grubbs, Hancock, Jay, King, Kirkland, Larkins, Lockett, Maples, Menasco, McLanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorner, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Pynes, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood—57.

Nays—Messrs. Belser, Bishop, Clanton of Montgomery, Critcher, Curry, Graham, Haden, Hobbs, Howard, Jackson, McBride, Reid, Taylor of Chambers and Taylor of Coosa—14.

Mr. Jackson, from the same committee, reported adversely to the bill to repeal a certain section therein named of the Code, so far as relates to Blount county.

Said report was concurred in.

Mr. Camp, from the committee on County Boundaries, reported favorably upon the bill to declare Major Beavers, a liner between the counties of Talladega and Benton, a citizen of Talladega county.

The hour of 10 o'clock arrived, and the House proceeded to the consideration of the veto message of the Governor, upon the bill for the relief of Richard K. Harrison, and other persons therein named.

The previous vote upon which having been recorded.

Said message was read, and is as follows :

EXECUTIVE DEPARTMENT, February 12, 1856.

*To the House of Representatives :*

A "bill for the relief of Richard K. Harrison, and other persons therein named," of the county of Autauga, proposes to confer the rights and privileges of citizenship on the persons named in the bill, who were asserted by it to be in the county of Autauga, I conceive the bill to be in direct conflict with the fifth section of the third article of the Constitution of the State, which fixes the qualification of electors in these words :

"Every white male person of the age of twenty-one years, or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next proceeding an election, and the last three months within the county, city or town in which he offers to vote, shall be deemed a qualified elector."

The Legislature and the Executive, separately or conjointly, have no power to confer the right upon any number of citizens of Autauga to interfere in any way with the elections in the county of Lowndes, nor could they make any such enactments to prevent the persons named in the bill from exercising their constitutional right of voting in the county of Autauga whenever they saw proper to do so. Another great objection is, that it makes the persons named in this bill competent to hold the office of County Commissioner, and to tax the people as they saw fit, whilst they would themselves be free and exempt from the taxation imposed, they paying in another county. Persons thus situated having nothing to fear from onerous taxation laws can afford to be very liberal with the property of others. I cannot give my approval to the bill.

Respectfully,

JOHN A. WINSTON.

And the question being, "shall the bill pass notwithstanding the Executive veto?"

The House refused to pass the bill. Yeas 5 ; nays 60.

Yeas—Messrs. Clanton of Montgomery, Langdon, McBride, Moragne and Rhodes—5.

Nays—Messrs. Speaker, Acree, Alford, Alston, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuska-loosa, Browder, Burgess, Byrne, Camp, Carpenter, Clanton of Sumter, Curry, Davis, Dawson, Echols, Ellis of Benton, Garleck, Gilmore, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, King, Kirkland, Larkins, Lockett, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Miree, Nabors, Odem, Peddy, Portis, Powell, Pynes, Remson, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Ward of Dale, Winston, Wright and Wood—60.

Mr. Hobbs, from the Select committee, to which was referred the report of the Superintendent of Education, of the disbursement from the contingent fund of this office, made the following report :

The Select committee, to which was referred the report of the Superintendent of Education of the disbursements from the contingent fund of his office, have had the same under consideration, and instructs me to make the following report:

The committee has examined the financial operations of the Superintendent's office, and all the vouchers thereof. The last Comptroller's report shows that up to September 30th, 1855, there had been received as interest on 16th Section notes, from escheats and foreign agencies, the sum of \$8,733 25, which was placed to the credit of the educational fund. The books of the Superintendent show the same result. The receipts from these sources for this fund, since the above mentioned date, cannot be compared in these offices, because the account has not been posted on the Comptroller's books.

Up to September 30th, 1855, the Comptroller's report shows that there had been disbursed from the educational fund, the sum of \$146,824 65. His books show disbursements since that time and up to February 2, 1856, amounting to \$97,185 82. The Superintendent's books agree to a cent, with this account, and for each item of disbursement there is a satisfactory voucher on file in his office.

Of the contingent fund, amounting to \$6,000 for the two years, there has been expended up to February 2, 1856, the sum of \$3,262 51, and satisfactory vouchers were exhibited to the committee for all the items of this expense.



Mr. Moorer moved to suspend the special order of the hour, to allow him to introduce a bill.

Carried.

Mr. Moorer then introduced a bill authorizing James L. Davis, of Lowndes county, to erect gates on a certain road in said county, which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

Mr. Reid moved to suspend special order, &c., to allow the committee on Propositions and Grievances, to make a report.

Also, To allow Mr. King to introduce a bill and to take up.

Carried.

Mr. Reid, from the committee on Propositions and Grievances, then reported back to the House the bill to regulate the sale of spirituous liquors in the town of Columbiana, amended.

Mr. Nabors moved to lay the said report and bill on the table.

Carried.

The report and bill was laid on the table.

Yeas 43 ; nays 17.

Yeas—Messrs. Speaker, Acree, Alford, Barry, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Camp, Clanton of Montgomery, Davis, Dawson, Ellis of Benton, Garleck, Goode, Grubbs, Hancock, Jackson, Jones, King, Kirkland, Larkins, Lockett, Maples, Menasco, McBride, McMullen, Milligan, Nabors, Peddy, Pynes, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Coosa, Towles, Ward of Dale, Winston, Wright and Wood—43.

Nays—Messrs. Alston, Beavers, Belser, Echols, McClanahan, McConnell, Miree, Moragne, Nicholson, Odein, Powell, Reid, Rhodes, Rice, Thornton, White and Woolsey—17.

Mr. King introduced a bill to incorporate the Rock Island Coosa Mining Company, which was read the first time and the rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Belser moved to reconsider the vote by which the House laid on the table, the bill in relation to the rights and liabilities of stockholders in railroads and other companies.

Said vote was reconsidered.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has concurred in the House amendments to the Senate bills, entitled as follows :

For the relief of James Foshee, of Conecuh county ;  
 To incorporate the Lyon Marine Fire Insurance Company,  
 at Demopolis, Alabama ;

To incorporate the Marine Insurance Trust Company ;

To authorize the Court of County Commissioners' of Madison and Jackson counties, to pay certain persons for certain services therein named ;

An act for the relief of James J. Sublett and David Langston ;

To incorporate the Macon County Railroad Company ;

To increase the amount of tax on peddling, in the county of Pike.

The Senate has also passed House bills, entitled as follows, viz :

To divorce Elijah Harris from his wife, Martha Harris, and to divorce other persons therein named ;

To incorporate the Pickens Insurance Company ;

For the benefit of certain persons therein named ;

An act to amend an act, to incorporate the Græffenburg Medical Institute ;

To compensate Surgeons and Physicians in certain cases ;

To establish a board of Physicians for Pickens county ;

To compensate Physicians for certain services therein named ;

For the relief of the School Commissioners of Marshall county ;

Supplemental to an act, to regulate the system of Free Public Schools in the county of Mobile, approved January 16, 1854—amended by the Senate ;

To amend an act therein named, so far as relates to Autauga county ;

For the benefit of certain persons therein named—amended by the Senate ;

To incorporate Society Hill Male Academy ;

For the relief of certain persons therein named—amended by the Senate ;

Making appropriations for the fiscal years 1856 and 1857—amended.

Also,

Joint Résolutions of the General Assembly of the State of Alabama, providing for the call of a convention—amended by the Senate.

The Senate originated and passed a bill to prevent the sale of alcoholic or vinous liquors in the town of Montevallo and vicinity ;

To complete the tax books in the Comptroller's office ;  
Further defining the liabilities of steam boats, officers and owners ;

To provide for the registration and burning of certain mutilated un mutilated notes of the Bank of the State of Alabama and its Branches—amended by the Senate.

The House then proceeded to the consideration of the veto message from the Senate, and the bill to incorporate Society Hill Male Academy.

Said message was read.

The question being, "shall the bill pass notwithstanding the Executive veto?"

The House refused to pass the bill.

Yeas 30 ; nays 40.

Yeas—Messrs. Speaker, Alston, Barry, Belser, Byrne, Clanton of Montgomery, Critcher, Cunningham, Echols, Gallo way, Gilmore, Haden, Hobbs, Howard, Langdon, Larkins, McBride, Miree, Nicholson, Odem, Owens, Powell, Reid, Rhodes, Rice, Taylor of Mobile, Thornton, Thorn, White and Woolsey—30.

Nays—Messrs. Alford, Beavers, Beck, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Burgess, Camp, Davis, Dawson, Ellis of Benton, Garleck, Goode, Graham, Grubbs, Hancock, Jackson, King, Kirkland, Lockett, Maples, Menasco, McClanahan, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Sanford, Smith of Franklin, Smith of Lauderdale, Taylor of Coosa, Towles, Ward of Dale, Wright and Wood—40.

Mr. Thornton, from the Select committee, &c., reported favorably upon the bill

To restrict the County Court Commissioners of Franklin county from levying county tax.

The constitutional rule was suspended, the bill read the third time, and passed.

Mr. Clanton of Montgomery moved to suspend, &c., to offer a resolution.

The House refused to suspend.

The Senate bill—

To compensate Samuel K. Raburn, of Marshall county, for certain services therein named, was read the first time, the rule suspended, read the second and third times forthwith, and passed.

Mr. Curry moved to suspend business, &c., to take up the Appropriation Bill, and the bill—

To dispose of a portion of the two and three per cent. fund.

Carried.

The House then proceeded to the consideration of the special order, it being—

The bill to make a loan of the two and three per cent. fund to the Tennessee and Coosa Rivers Railroad Company, and other Railroad companies therein mentioned.

Mr. McMullen offered a substitute therefor.

Mr. Critcher moved to lay the substitute on the table.

Mr. Nabors moved to lay the bill and amendment on the table.

Lost.

Yeas 33 ; nays 43.

Yeas—Messrs. Acree, Barry, Beck, Brown of Marion, Camp, Carpenter, Clanton of Montgomery, Dawson, Garleck, Gilmore, Goode, Graham, Grubbs, Hobbs, Jackson, Jones, Kirkland, Lockett, Menasco, Milligan, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Pynes, Rice, Smith of Franklin, Taylor of Coosa, Towles and Ward of Dale—33.

Nays—Messrs. Speaker, Alston, Beavers, Belser, Bishop, Bradley, Burgess, Byrne, Chapman, Cochran, Critcher, Cunningham, Curry, Ellis of Benton, Haden, Hancock, Howard, Jay, King, Langdon, Larkins, Maples, McClanahan, McConnell, McMullen, Miree, Moragne, Odem, Portis, Powell, Reid, Rhodes, Sanford, Smith of L'le, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, White, Winston, Wright and Woolsey—43.

Mr. Reid moved to amend as follows :

“ And fifty thousand dollars of the other one-half of the two per cent. fund, to the Alabama and Mississippi Rivers Railroad Company,”

Which was laid on the table.

Mr. Hobbs moved to amend as follows :

“ After the word ‘ extend,’ ‘ except to the amount of \$25,000, which, if not heretofore, is hereby appropriated for a thorough survey of the mountains which divide North and South Alabama, shall be first paid out of said funds.’ ”

Mr. Menasco moved to suspend, to take up the Senate bill—

For the burning of certain notes of the State Bank and Branches.

Lost.

Yeas 40 ; nays 44.

Yeas—Messrs. Acree Alford, Barry, Beavers, Beck, Brown of Marion, Browder, Carpenter, Clanton of Montgomery, Clanton of Sumter, Dawson, Echols, Garleck, Gilmore, Goode, Graham, Grubbs, Jackson, Jones, Kirkland, Lockett, Menas-

co, McConnell, Milligan, Miree, Moorer, Nabors, Peddy, Pennington, Portis, Pynes, Reid, Taylor of Chambers, Taylor of Coosa, Towles, *Ward of Dale*, White, Wright and *Wood*—40.

Nays—Messrs. Speaker, Belser, *Bishop*, Bradley, Brown of Tuskaloosa, Burgess, *Byrne*, Camp, Chapman, Cochran, Critcher, Cunningham, Curry, Davis, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Moragne, Nicholson, Odem, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thornton, Thorn, Ward of Cherokee, *Winston* and Woolsey—44.

Mr. Menasco then moved to postpone the bill under consideration until Friday next, at 10 o'clock, A. M., and called for the yeas and nays.

Lost.

Yeas 27 ; nays 50.

Yeas—Messrs. Acree, Alford, Alston, Barry, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Dawson, Garleck, Goode, Graham, Grubbs, Jackson, Kirkland, Lockett, Menasco, McConnell, Milligan, Nabors, Peddy, Pennington, Pynes, Taylor of Coosa, Towles and Ward of Dale—27.

Nays—Messrs. Speaker, *Beavers*, Belser, *Bishop*, Bradley, Brown of Tuskaloosa, Burgess, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Critcher, Cunningham, Curry, Davis, Echols, Ellis of Benton, English, Haden Hancock, Howard, Jay, Jones, King, Langdon, Larkins, Lockett, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Nicholson, Odem, Portis, Powell, Reid, Remson, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Thorn, *Ward of Cherokee*, *Winston*, *Wright*, *Wood* and Woolsey—50.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has receded from its amendments to the bill—

To render more efficient the system of Free Public Schools in the State of Alabama—except the following amendment :

“That when a township line runs through a city, town, or village, the children residing in either of such townships, sent to any chartered school in either of said townships, not established in conformity to this act, shall be entitled to receive their pro rata share of the 16th section fund of the township in which said children reside.”

Amend section 8, article 6, by inserting in the second line, after the word “act,” the words “except hereinafter provided.”

The Senate insist on the above amendments.

Mr. Davis moved to suspend, &c., to take up the bill—  
To render more efficient the system of Free Public Schools in the State of Alabama.

Carried.

The House proceeded to consider said bill.

The House receded from its disagreements to the amendments to the bill adopted by the Senate.

Mr. Sanford moved to suspend, &c., to offer a resolution.

Carried.

Mr. Sanford then offered the following resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, on Thursday, 14th of February instant, at 12 o'clock, M., to elect a Superintendent of Free Public Schools in the State of Alabama.

Also, Trustees of the University, for the 7th and 9th circuits.

Mr. McMullen moved to lay said resolution on the table.

Lost.

On motion of Mr. Curry,

The further consideration of the same was postponed until to-morrow, at 10 o'clock, A. M.

The hour of half-past one o'clock arrived, and

The House stood adjourned until 3½ o'clock, this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Thornton,

The roll was called, and the following members answered to the call :

Messrs. Speaker, Acree, Alston, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Camp, Carpenter, Chapman Clanton of Sumter, Curry, Davis, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Howard, King, Kirkland, Langdon, Larkins, Lockett, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorner, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Powell, Pynes, Rice, Sanford, Smith of Franklin, Staton, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Winston and Wright.

Mr. Langdon moved to suspend orders, &c., to allow him to introduce a bill.

Carried.

Mr. Langdon then introduced a bill—

To incorporate the Mobile and Great Northern Railroad Company—

Which was read the first time, and the rule being suspended, the same was read the second and third times, forthwith, and passed, and ordered to be sent forthwith to the Senate.

Mr. Powell moved to suspend, &c., to take up the bill in relation to the rights and liabilities of stockholders in Railroad and other companies.

Carried.

Said bill was read three times, under a suspension of the rule, and passed.

Mr. Davis moved to suspend, &c., to take up the Joint Resolutions providing for a call of a Convention.

Carried.

The House concurred in the amendments of the Senate.

Mr. Beck moved to suspend, to take up the Senate bill—

In relation to the burning of the old mutilated notes of the State Bank and Branches.

The yeas and nays were called.

Lost. Yeas 36 ; nays 36.

Yeas—Messrs. Acree, Alston, Barry, Beavers, Beck, Brown of Marion, Carpenter, Clanton of Sumter, Echols, Garleck, Goode, Graham, Grubbs, Jackson, Jones Kirkland, Lockett, Menasco, McConnell, McMullen, Milligan, Miree, Moorer, Nabors, Owens, Peddy, Pennington, Portis, Pynes, Reid, Taylor of Coosa, Taylor of Mobile, Towles, Ward of Dale, White, and Wright—36.

Nays—Messrs. Speaker, Belser, Bishop, Bradley, Brown of Tuskalooza, Browder, Byrne, Camp, Chapman, Cunningham, Curry, Davis, Ellis of Benton, English, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, Moragne, Nicholson, Powell, Rice, Sanford, Smith of Franklin, Staton, Thornton, Thorn, Ward of Cherokee, Winston and Woolsey—36.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed bills entitled—

An act to enable Brittan & Blue, late State Printers, to have a certain claim against the State adjudicated ;

An act for the relief of William H. Manor ;

To provide for the closing of the remaining business of the State Bank and Branches ;

Also, a bill—To amend an act entitled “ an act to incorporate the Mechanics’ Savings Company of Mobile ”—amended by the Senate ;

To incorporate the Mobile and Great Northern Railroad Company.

Mr. Curry moved to suspend the business, &c., to take up the bill—

To provide for the closing of the remaining business of the State Bank and Branches.

Carried.

Said bill was read.

Mr. Curry moved to suspend the constitutional rule, to give the bill its second reading.

The House refused to suspend.

Mr. Garleck moved to reconsider the vote just taken.

Yeas 53 ; nays 19.

Lost—four-fifths not voting in the affirmative.

Yeas—Messrs. Speaker, Alston, Barry, Beavers, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Carpenter, Chapman, Crawford, Cunningham, Curry, Davis, Dawson, Echols, Ellis of Benton, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Langdon, Larkins, Lockett, Maples, McBride, McClanahan, McMullen, Moragne, Nicholson, Odem, Owens, Peddy, Powell, Rice, Sanford, Smith of Franklin, Staton, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Winston and Wright—53.

Nays—Messrs. Acree, Beck, Clanton of Montgomery, Clanton of Sumter, Goode, Grubbs, Jay, Kirkland, Menasco, McConnell, Milligan, Moorer, Nabors, Pennington, Portis, Pynes, Reid, Taylor of Coosa and Towles—19.

The bill was then ordered to a second reading.

The engrossed bills—

To equalize the Homestead Exemption Act ;

Requiring the owners of landings on the navigable rivers in this State to put up sign-boards ;

Altering the mode of assessing and collection of the taxes in certain counties—

Were severally read the third time, and passed, and ordered to be sent forthwith to the Senate.

Mr. Jackson offered the following resolution :

*Resolved*, That the Assistant Clerk be authorized to employ such number of assistants as may be necessary, to enable him promptly to discharge his duties.

Adopted.

The Engrossed bill—

To amend a certain act therein named—

Was read the third time and passed.

The Senate bills—

To amend an act therein named ;



To incorporate the Asbury Female Institute, at LaFayette, in the county of Chambers—

Were severally read the third time and passed.

Mr. Critcher moved to suspend, &c., to take up a House bill: For the relief of certain persons therein named.

Carried.

The amendment of the Senate was concurred in.

The Senate bill—

To amend an act to incorporate the town of Guntersville, in Marshall county, approved 3d. of February, 1848, was read the third time, and on motion of Mr. Critcher,

Laid on the table.

The Senate bill—

To incorporate the Middle Alabama Railroad Company—

Was read the third time.

Mr. Camp moved to amend the same, by way of engrossed ryder, as follows :

By adding James A. Mudd, of Jefferson county, as one of the Commissioners.

Mr. Critcher moved to amend, &c., by inserting the name of John Menasco, of Walker county.

Mr. McClanahan moved to amend, by way of engrossed ryder, by inserting Daniel E. Watrous after the last named commissioner in the first section.

Said engrossed ryders were severally adopted, and the bill so amended, passed.

Mr. Bishop, from the committee on County Boundaries, reported favorably upon the bill—

To repeal an act therein named, and for other purposes.

The constitutional rule was suspended, and said bill was read the third time, and passed.

Mr. Milligan introduced a bill to establish a Medical Board in the county of Coffee, which was read, and the rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Camp introduced a bill to tepeal in part, and amend a certain act therein named, which was read the first time, and the House refused to order the same to a second reading.

The Senate bills :

To authorize the Governor to issue certain Sixteenth Section Patents therein named ;

To incorporate the Chunnenugee Insurance Company ;

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

The Senate bill :

To incorporate the Southern Female Collège, was read the third time and passed.

Mr. Haden, from the committee on Privileges and Elections, reported favorably upon the bill to make permanent the Court House, in the county of *Bibb*.

On motion of Mr. Crawford, said report and bill were laid on the table.

Mr. Beck, from the committee on Corporations, reported adversely to the petition of James D. Porter and others.

Said report was concurred in.

The House bill :

For the benefit of certain persons therein named, amended by the Senate as follows :

By striking out the accounts of W. L. Hornbuckle, M. B. Lassure, Nathan Brunsford and Absolum Little.

House refused to concur in said amendments.

The House concurred in the amendments of the Senate in regard to the accounts of Jourdan & Moore and N. Becker.

And the action of the House was ordered to be sent forthwith to the Senate.

The House concurred in the amendments of the Senate to the House bills for the relief of certain persons therein named.

The House concurred in the amendments of the Senate to the bill supplemental to an act entitled an act to regulate the system of Free Public Schools in *Mobile* county, approved January 6, 1854.

Mr. Woolsey moved that when the House adjourn, it adjourn to meet to-morrow morning, at half past nine o'clock.

Carried.

Mr. Jackson moved to suspend the business before the House, to allow him to introduce a bill.

Carried.

Mr. Jackson then introduced a bill to explain an act therein named.

Said bill was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed, and ordered to be sent forthwith to the Senate.

On motion of Mr. Curry, the House adjourned until to-morrow morning, half past 9 o'clock.

THURSDAY, February 14, 1856.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

On motion, the reading of the journal and the call of the counties was dispensed with, in order to take up the bills:

To aid the Alabama Medical College ;

For the relief of Greene Thompson ;

And to allow Mr. Miree to introduce a bill.

The Senate bill :

To aid the Alabama Medical College, was read the first time, and the rule being suspended, the same was read the second time forthwith.

Mr. Echols moved to lay the bill upon the table, and the yeas and nays were demanded.

Carried.

Yeas 50 ; nays 30.

Yeas—Messrs. Speaker, Acree, Alford, Alston, Beavers, Bradley, Brown of Marion, Clanton of Sumter, Critcher, Cunningham, Davis, Dawson, Echols, Galloway, Garleck, Gilmore, Graham, Grubbs, Haden, Hancock, Jones, Kirkland, Larkins, Lockett, Maples, Menasco, McBride, McConnell, McMullen, Milligan Miree, Moorer, Nabors, Nicholson, Owens, Peddy, Pennington, Pynes, Rice, Smith of Franklin, Staton, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale, Winston and Wood—50.

Nays—Messrs. Beck, Belser, Bishop, Brown of Tuscaloosa, Browder, Byrne, Camp, Chapman, Crawford, Curry, Ellis of Benton, English, Goode, Hobbs, Howard, Jackson, Jay, King, McClanahan, Moragne, Odem, Portis, Powell, Rhodes, Remson, Smith of Lauderdale, Taylor of Mobile, White, Wright and Woolsey—30.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has passed House bills with the following titles:

To amend section 2806 of the Code, (amended by the Senate.)

Relating to taxes in the city of Mobile, (amended by the Senate.)

To incorporate the Selma Receiving and Forwarding Company.

To incorporate the Wetumpka Steamboat Company.

To incorporate the Central Agricultural Society at Selma.

To amend sections 939, 940 and 941 of the Code, so far as Barbour county is concerned.

To repeal in part an act to regulate the pay of Grand and Petit Jurors for the county of Covington, and for other purposes.

For the benefit of Frederick Perquer.

To enable the next of kin of Henry Miller, deceased, to inherit his real estate

To incorporate the Wetumpka Insurance Company.

To authorize the Commissioners' Court of Choctaw county to establish an election precinct.

To explain an act therein named.

To authorize Warner Bailey to remove the estate of his ward, Louisa Ann Young, a minor heir of James A. Young, deceased, from this State to the State of Arkansas.

To pay Phillip D. Roddy a certain sum of money.

To authorize A. M. Woods to erect gates across a certain road therein named.

To authorize Benjamin Perry to erect gates across a certain public road therein named.

To pay Samuel F. Rice and others for servant hire.

To appoint Commissioners for the town of Warrenton, in Marshall county.

To regulate the distribution of property in certain cases.

To change and modify section 2706 of the Code in relation to the lien on steamboats.

In relation to the duties of Grand Juries.

To amend section 9846 of the Code.

For the relief of the deaf and dumb of this State.

Concerning bail in criminal cases.

To amend section 3222 of the Code.

To divorce George W. Watson, from his wife, Maranda Watson, and to divorce other persons therein named.

For the relief of Peter McGee, late Tax Collector of Pickens county.

For the relief of M. W. Creagh, guardian of the minor heirs of G. W. Creagh, deceased.

To increase the pay of Grand and Petit Jurors in the county of Cherokee, and for other purposes.

To compensate J. W. Faith, Sheriff of Washington county.

To legalize certain election precincts in Wilcox county.

To divorce Caroline Grubbs from her husband, Morgan Grubbs.

To divorce Thomas Carroll from his wife, Rebecca Carroll, and to divorce other persons therein named.

To amend the charter of the Western Railroad Company of Alabama.

For the relief of Horatio Ferguson and Jeremiah Lafarlett, of Marshall county.

To regulate the license of peddlers in Chambers county.

To incorporate the Florence Insurance Company.

To declare Pigeon, *alias* Shoal Creek, in the county of Covington, a public highway.

To incorporate the Spring Hill Male and Female Academy, in Marengo county, notwithstanding the Executive veto.

To incorporate the Alabama Roofing Slate Company, notwithstanding the Executive veto.

The Senate has passed a House bill to prohibit the teaching of slaves to read and write.

To incorporate the Florida and Alabama Union Railway Company, (amended by the Senate.)

The Senate returns to the House the bill for the benefit of certain persons therein named.

Mr. Mirce introduced a bill to pay a certain claim against the State, which was read the first time, and the rule being suspended, the same was read the second and third times and passed, and ordered to be sent forthwith to the Senate.

Mr. Belser moved that the House concur in the resolution of the Senate, to go into the election of the Superintendent of Education.

Mr. Davis moved that the House request the Senate to return a bill for the relief of certain persons therein named.

Carried.

Mr. King moved to postpone the consideration of the bill for the relief of Gracy Thompson until half past 3 o'clock to-morrow evening.

Carried.

Mr. King moved to postpone the special order for the purpose of taking up the bill for closing the affairs of the State Bank and Branches.

A veto message was received from the Governor by J. D. Catlin, Jr., Private Secretary.

EXECUTIVE DEPARTMENT, February 14, 1856.

*To the House of Representatives :*

I return, without my approval, the bill to be entitled an act for the further security and protection of the State in Railroad loans. The first section of the act provides, that the charters of the different Railroad Companies, which shall have received loans from the State, shall be forfeited in default of payment of the same. This, I consider in violation of the 19th section of the first article of the constitution of this State, which is in these words: "No *ex post facto* law impairing the obligation of contracts shall be made." The char-

ters of Railroad Companies are believed to be vested rights, which the Legislature cannot repeal, impair or alter against their consent, or without the default of these companies, judicially ascertained. If the acts incorporating the different Railroad Companies had contained this clause of forfeiture, then their charters might have been dissolved by a failure to pay back those loans ; or if the acts creating the loans had contained provisions of this kind, the acceptance of the loans would have made them liable to forfeiture of their charters on failure to pay back the money ; because then there would be a valuable consideration for the stringency or forfeiture imposed ; but no such cause of forfeiture being contained in their charters or the acts making the loans, the proposition is idle and cannot be made to constitute a provision in their charters. If the Companies refuse to assent to the terms of this bill, they are entitled to the money under the loan bills. If they give their assent, it being without consideration, it would be of no force or effect.

The act allows the General Assembly to decide these charters forfeited without judicial proceeding for that purpose. The Legislature has no power to keep any parties out of the courts. The first section of the second article of the constitution says : "The power of the government of the State of Alabama shall be divided into three distinct departments ; and each of them confided to a separate body of magistracy, to-wit : those which are legislative, to one ; those which are executive, to another ; and those which are judicial, to another." The question of taking any vested rights, and enforcing forfeiture of charters against a corporation involves a judicial enquiry which it is incompetent for the Legislature to determine. A cause of forfeiture against a corporation cannot be enforced in any other mode than by a direct proceeding for that purpose against the corporation, so that it may have an opportunity to answer. The Supreme Court of this State has settled the question of legislative exercise of executive and judicial powers, in the case which I have already had occasion to refer to in messages to the Legislature.

This bill, in my judgment, would prove a delusion when tested, and be of no benefit to the State.

Respectfully,

JOHN A. WINSTON.

The question being, "shall the bill pass notwithstanding the Executive veto?"

The same was passed.

Yeas 58 ; nays 17.

Yeas—Messrs. Speaker, Alston, Barry, Belser, Bishop, Bradley, Brown of Tuskalooosa, Browder, Byrne, Camp, Carpenter, Chapman, Cochran, Crawford, Critcher, Curry, Davis, Dawson, Echols, English, Galloway, Garleck, Haden, Hancock, Hobbs, Howard, Jackson, Jay, Jones, King, Larkins, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Pennington, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Winston, Wright and Woolsey—57.

Nays—Messrs. Acree, Beavers, Brown of Marion, Ellis of Benton, Graham, Kirkland, Lockett, Menasco, McConnell, Milligan, Nabors, Peddy, Portis, Taylor of Coosa, Towles, Ward of Dale and Wood—18.

Said bill was ordered to be sent forthwith to the Senate.

The House proceeded to the consideration of the veto message from the Senate, on the bill to incorporate the Alabama Roofing Slate Company.

The message was read.

The question being, "shall the bill pass notwithstanding the Executive veto?"

The bill was passed by a constitutional majority.

Yeas 53 ; nays 24.

Yeas—Messrs. Speaker, Barry, Belser, Bishop, Bradley, Brown of Tuskalooosa, Browder, Byrne, Camp, Carpenter, Chapman, Crawford, Critcher, Cunningham, Curry, Dawson, Echols, Ellis of Benton, English, Galloway, Graham, Haden, Hancock, Hobbs, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Miree, Nicholson, Odem, Owens, Powell, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Thorn, Ward of Cherokee, Ward of Dale, White, Winston, Wright and Woolsey—53.

Nays—Messrs. Alford, Alston, Beavers, Beck, Brown of Marion, Clanton of Sumter, Garleck, Gilmore, Goode, Grubbs, Jackson, Kirkland, Lockett, Menasco, McConnell, Milligan, Nabors, Peddy, Pennington, Portis, Pynes, Taylor of Coosa, Towles and Wood—24.

The House then proceeded to the consideration of the special order, it being the bill to dispose of a portion of the two and three per cent. fund.

Mr. Critcher moved to lay the bill and amendments upon the table.

Lost.

Yeas 39 ; nays 41.

Yeas—Messrs. Alford, Alston, Beavers, Beck, Bradley, Carpenter, Clanton of Sumter, Critcher, Ellis of Benton, Garleck, Gilmore, Goode, Grubbs, Haden, Hancock, Jackson, Jones, King, Kirkland, Larkins, Lockett, Maples, Menasco, McClanahan, McConnell, Miree, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Smith of Franklin, Taylor of Chambers, Thorn, Towles, Ward of Dale and Wood—39.

Nays—Messrs. Speaker, Barry, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Burgess, Byrne, Camp, Chapman, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Echols, English, Graham, Hobbs, Howard, Jay, Langdon, McBride, McMullen, Milligan, Nicholson, Odem, Powell, Rhodes, Rice, Sanford, Smith of Lauderdale, Staton, Taylor of Coosa, Thornton, White, Winston, Wright and Woolsey—41.

The hour of 12 o'clock arrived, and the Senate by invitation, appeared in the hall of the House of Representatives, for the purpose of electing Trustees of the University, for the seventh and ninth Circuits, and a Superintendent.

The two Houses in convention, then proceeded to the election of a Trustee for the 7th Circuit.

Messrs. W. L. Stansell, Jerome Clanton and John Menasco, being in nomination.

Mr. Menasco rose from his seat and declined the nomination made

Those who voted for Mr. Stansell, are :

Messrs. Speaker, Alford, Alston, Beavers, Beck, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Burgess, Byrne, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Davis, Dawson, Ellis of Benton, Galloway, Garleck, Gilmore, Goode, Graham, Grubbs, Hancock, Hobbs, Howard, Jackson, Jay, Jones, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Miree, Moragne, Nabors, Odem, Owens, Pennington, Pynes, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, Winston, Wood and Woolsey, of the House; Messrs. President, Abernathy, Acklin, Bacon, Baker, Bethea, Brindley, Cocke, Felder, Gunn, Hewlett, Hobdy, Jemison, Jenkins, Jones of Franklin, Jones of Fayette, Lamar, Malone, Nelson, Patton, Prince, Searcy, Taylor, Wilson of Jackson, Wilson, of Pickens, of the Senate—86.

Mr. Clanton received 47 votes.



Mr. Menasco received 25 votes.

Mr. Stansell having received a majority of all the votes cast, was declared to be duly and constitutionally elected for the term prescribed by law.

The House then in convention, proceeded to the election of a Superintendent of Education.

Mr. William F. Perry, being alone in nomination and having received all the votes cast, except a few who voted for Mr. Hobbs, was declared to be duly elected for the term prescribed by law.

The Senate withdrew to its chamber, and the House proceeded to the consideration of its regular business.

Mr. Davis moved to suspend the business before the House to take up a bill.

Mr. Camp called for the yeas and nays.

Lost.

Yeas 23 ; nays 42.

Yeas—Messrs. Bishop, Bradley, Browder, Camp, Chapman, Clanton of Montgomery, Cochran, Cunningham, Davis, English, Garleck, Hancock, Howard, King, Menasco, Milligan, Moragne, Nabors, Peddy, Powell, Sanford, Taylor of Coosa, Towles and Woolsey—23.

Nays—Messrs. Speaker, Acree, Alford, Alston, Barry, Beavers, Beck, Belser, Brown of Marion, Burgess, Byrne, Carpenter, Clanton of Sumter, Critcher, Curry, Dawson, Echols, Ellis of Benton, Gilmore, Goode, Haden, Jones, Kirkland, Langdon, Larkins, Lockett, Maples, McClanahan, McMullen, Portis, Pynes, Remson, Rhodes, Rice, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Thornton, Ward of Cherokee, Ward of Dale, White, Winston, Wright and Wood—42.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed a bill from the House to apportion Representatives among the several counties in this State, and to divide the State into Senatorial Districts, and has amended the same as therein shown.

And a bill to incorporate the Talladega and Tallapoosa Mining and Manufacturing Company.

Mr. Critcher moved to suspend the special orders, to take up Apportionment bill.

Carried.

The House proceeded to the consideration of said bill.

The amendments of the Senate to said bill were concurred in.

The hour of half past 1 o'clock arrived, and the House stood adjourned until half past 3 o'clock, this evening.

AFTERNOON SESSION, February 14, 1856.

The House met pursuant to adjournment.

On motion of Mr. Haden,

The roll was called, and the following members answered to their names :

Messrs. Speaker, Acree, Alford, Alston, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Curry, Garleck, Grubbs, Haden, Hancock, Hobbs, King, Larkins, Lockett, Maples, Menasco, McConnell, Miree, Nicholson, Owens, Peddy, Pennington, Portis, Powell, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Thornton, Thorn, Towles, Ward of Dale, White, Wright and Woolsey—43.

No quorum present.

A short time elapsed when the Speaker announced a quorum present, and the House proceeded to business.

Mr. Smith of Lauderdale moved to take up the bill to apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts—amended by the Senate.

The yeas and nays were called on the question of concurring in the amendments of the Senate.

The amendments were concurred in. Yeas 30 ; nays 24.

Yeas—Messrs. Acree, Beavers, Bishop, Bradley, Brown of Marion, Brown of Tuscaloosa, Browder, Camp, Ellis of Benton, Hancock, Howard, Jones, King, Maples, Menasco, McClanahan, Miree, Moorner, Nicholson, Powell, Pynes, Sanford, Smith of Franklin, Staton, Thornton, Thorn, Ward of Cherokee, White, Winston, Wright and Woolsey—30.

Nays—Messrs. Alford, Alston, Belser, Chapman, Clanton of Montgomery, Clanton of Sumter, Critcher, Curry, Dawson, Garleck, Graham, Haden, Larkins, Lockett, Odem, Owens, Peddy, Pennington, Portis, Rice, Smith of Lauderdale, Taylor of Coosa, Towles and Ward of Dale—24.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has passed a bill to authorize James L. Davis, of Lowndes county, to erect gates on a certain road in said county ;

Making appropriations to certain persons therein named ;

To authorize J. C. Alford and Jefferson M. Townsend, of Pike county, &c. ;

To incorporate the Shelby Lime Company ;  
 To incorporate the Rock Island Mining Company ;  
 To declare Luxapalisse, in Fayette county, a public highway ;

To authorize Benjamin Perry, to erect a gate across a certain road therein named ;

To divorce *M. E. Gilder* from her husband, *Thomas E. Gilder* ;

An act to amend the West Point, Georgia, and Tennessee River Railroad Company, approved February 3, 1854 ;

To incorporate and aid the Alabama State Agricultural Society, in the State of Alabama ;

A House bill :

To redeem the swamp and overflowed lands within this State ;

And returns herewith the bill to explain an act therein named.

The Senate has originated and passed a bill for the relief of *Jacob Bently* and *Lucy Ann H. Cotton* ;

To amend the charter of the Western Railroad Company ;

To incorporate the *Ætna Insurance Company* ;

For the relief of *William Chancellor*, of Coosa county—amended by the Senate ;

And notwithstanding the Executive veto, the bill to amend section 939 of the Code ;

A House bill :

To incorporate the *Wetumpka Wharf Company*, and amended the same as therein shown.

The hour of 5 o'clock arrived, when the Senate by invitation, appeared in the hall of the House of Representatives, for the purpose of electing a Trustee of the University, for the ninth Judicial Circuit.

*Mr. M. C. Branchard*, alone being in nomination, and having received a majority of all the votes cast, was declared by *Mr. Speaker*, to have been duly and constitutionally elected for the term prescribed by law.

On motion the convention adjourned, and the House proceeded to its regular business.

*Mr. Portis*, from the committee on Enrolled Bills, reported the following, as correctly enrolled, viz :

An act to extend the time of holding the Circuit Courts in the county of *Morgan*, and to change the time of holding the same in the county of *Hancock* ;

An act to compensate *Talis Jurors* in certain cases ;

An act to incorporate the *Mobile Steam Ship Company* ;

An act to repeal a special act for the payment of Jurors, approved January 18, 1845, so far as relates to Blount county ;

An act to authorize the qualified voters of the county of Tuscaloosa, to elect the Treasurer of said county ;

An act for the relief of John Milford, Census Taker of Perry county, and other purposes ;

An act to repeal an act, requiring Justices of the Peace of Lowndes county, in their respective election beats, to act as apportioners and supervisors of roads, and for other purposes ;

An act to repeal an act entitled an act, to authorize the apportioners of the different Districts of Pickens county, to appoint the overseers, and for other purposes therein named ;

An act to authorize the administrator of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months ;

An act to change and regulate the time of holding the Circuit Courts in the counties of Marshall and Jackson ;

An act to amend section 1872 of the Code ;

An act to establish a board of Physicians in the county of Shelby ;

An act to amend section 3860 of the Code ;

An act to change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

An act to render more efficient the system of Free Public Schools in the State of Alabama ;

An act making appropriations for the fiscal years 1856 and 1857 ;

An act to compensate Physicians for certain services therein named ;

An act to compensate Surgeons and Physicians in certain cases ;

An act to divorce Elijah Harris from his wife, Martha Harris, and to divorce other persons therein named ;

An act for the relief of the School Commissioners of Marshall county ;

An act to amend an act therein named, so far as relates to Autauga county ;

An act to establish a Medical Board in the county of Pickens ;

An act to increase the pay of Grand and Petit Jurors in the county of Cherokee, and for other purposes ;

An act to incorporate the Florence Insurance Company ;

A Preamble and Joint Resolutions to the Congress of the United States, in reference to duty on railroad iron ;

An act to authorize Warner Bailly, to remove the estate of his ward, Louisa Ann Young, a minor heir of James A. Young, deceased, from this State, to the State of Arkansas ;

An act to amend an act entitled an act, to incorporate the Græffenberg Medical Institute ;

An act to legalize certain election precincts in Wilcox county ;

An act to incorporate the Pickens Insurance Company ;

An act to compensate J. W. Faith, Sheriff of Washington county ;

An act for the benefit of certain persons therein named ;

An act to incorporate the Mobile and Great Northern Railroad Company.

Mr. Belser asked leave to withdraw the papers of Mr. Waterson.

Granted.

The House proceeded to the consideration of the Senate bill, to amend section 939 of the Code, which was vetoed by the Governor.

The message was read, and the bill was passed over the Executive veto.

Yeas 58 ; nays 13.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Belser, Bishop, Bradley, Brown of Tuskaloosa, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Cochran, Cunningham, Curry, Dawson, Ellis of Benton, Garleck, Goode, Grubbs, Haden, Hancock, Howard, Jay, King, Langdon, Larkins, Maples, McBride, McClanahan, McMullen, Miree, Moragne, Odem, Owens, Peddy, Pennington, Powell, Pynes, Reid, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee, Ward of Dale, Winston, Wright and Wood—58.

Nays—Messrs. Alston, Beavers, Clanton of Sumter, Critcher, Graham, Jackson, Kirkland, Lockett, Menasco, McConnell, Milligan, Portis and Taylor of Coosa—13.

Mr. Curry moved to suspend the regular orders, to take up the Senate bill to provide for closing the remaining business of the State Bank and Branches.

Carried.

Mr. Belser offered a substitute therefor.

Mr. Beck offered a substitute for the substitute.

Mr. Powell called the previous question.

*Mr. Goode* demanded the yeas and nays.

The call for the previous question was not sustained.

Yeas 13 ; nays 60.

Yeas—Messrs. Alston, Belser, Bishop, Critcher, Curry, Ellis of Benton, Howard, Jay, Langdon, Sanford, Smith of Franklin, Taylor of Mobile and Thornton—13.

Nays—Messrs. Speaker, Acree, Alford, Barry, Beavers, Beck, Bradley, Brown of Marion, Browder, Byrne, Camp, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Dawson, Echols, Garleck, Goode, Graham, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Lockett, Maples, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Odem, Owens, Peddy, Pennington, Portis, Pynes, Reid, Remson, Rice, Smith of Lauderdale, Staton, Taylor of Chambers, Taylor of Coosa, Thorn, Towles, Ward of Dale, White, Winston, Wright and Wood—60.

*Mr. Curry* moved that the rule requiring the House to adjourn at 5 o'clock, be suspended.

Carried.

*Mr. Belser*, with leave of the House, withdrew the substitute offered by himself.

*Mr. Cochran* then offered a substitute to the substitute of *Mr. Beck*.

*Mr. Speaker Walker* (*Mr. Jackson* in the chair) moved to lay the substitute of *Mr. Cochran* on the table.

The motion prevailed.

*Mr. Belser* moved to lay the substitute of *Mr. Beck* on the table.

The yeas and nays were called.

Yeas 26 ; nays 35.

Lost.

Yeas—Messrs. Alston, Barry, Belser, Brown of Marion, Brown of Tuscaloosa, Byrne, Camp, Clanton of Montgomery, Cochran, Critcher, Curry, Hobbs, Howard, Langdon, Larkins, Maples, McMullen, Moorer, Nicholson, Owens, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Taylor of Mobile, Thornton and Thorn—26.

Nays—Messrs. Speaker, Acree, Alford, Beck, Bradley, Browder, Burgess, Chapman, Clanton of Sumter, Davis, Echols, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Jackson, Jones, King, Kirkland, Lockett, Menasco, McConnell, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Sanford, Taylor of Coosa and Ward of Dale—35.

Mr. Moorer moved to strike out 33½ and insert 15 per cent.

Mr. Curry moved to lay the amendments on the table.

Mr. Alston called the yeas and nays.

Yeas 36 ; nays 28.

Carried.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Browder, Camp, Chapman, Curry, Davis, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Lockett, Maples, McConnell, Milligan, Peddy, Pennington, Portis, Pynes, Taylor of Chambers, Taylor of Mobile, Thornton, Ward of Dale and Wood—36.

Nays—Messrs. Alston, Barry, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Jay, Langdon, Larkins, Menasco, McBride, McMullen, Miree, Moragne, Moorer, Nabors, Nicholson, Owens, Remson, Sanford, Smith of Franklin, Taylor of Coosa and Thorn—28.

Mr. Belser moved to strike out 33½ and insert 20 per cent.

Mr. Speaker Walker (Mr. Jackson in the chair) raised the point of order, that the motion was not in order to strike out and insert a larger sum than that just voted down.

The Chair decided Mr. Belser's motion to be out of order.

Mr. McBride moved to adjourn until half past 7 o'clock to-night.

Mr. Thornton moved to adjourn until half past 9 o'clock to-morrow morning. Lost.

Yeas 5 ; nays 68.

Yeas—Messrs. Burgess, Haden, Nicholson, Owens and Thornton—5.

Nays—Messrs. Speaker, Acree, Alford, Alston, Barry, Beck, Belser, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Chapman, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Cunningham, Curry, Davis, Echols, Garleck, Goode, Graham, Grubbs, Haucock, Hobbs, Howard, Jackson, Jay, Jones, King, Kirkland, Langdon, Larkins, Lockett, Maples, Menasco, McBride, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Peddy, Pennington, Portis, Powell, Pynes, Remson, Sanford, Smith of Franklin, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thorn, Ward of Cherokee and Ward of Dale—68.

The question then recurred on the motion of Mr. McBride, and the House refused to adjourn.

Mr. Chapman moved to reconsider the vote just taken upon laying the amendment of Mr. Moorer on the table.

Carried.

Mr. Beck moved to strike out 33½ and insert 25 per cent.  
Carried.

The question then was upon the adoption of Mr. Beck's substitute.

The same was adopted.

Yeas 34 ; nays 21.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Bradley, Browder, Chapman, Davis, Echols, Garleck, Graham, Haden, Jackson, Jones, King, Kirkland, Lockett, Maples, Menasco, McConnell, McMullen, Milligan, Miree, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Taylor of Chambers, Taylor of Coosa, Thornton, Ward of Cherokee and Ward of Dale—34.

Nays—Messrs. Alston, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Curry, Goode, Grubbs, Howard, Jay, Langdon, Larkins, McBride, Moragne, Moorer, Sanford and Thorn—21.

Mr. Curry moved to suspend the constitutional rule.

Carried.

And the bill as amended passed.

Yeas 34 ; nays 22.

Yeas—Messrs. Speaker, Acree, Alford, Beck, Bradley, Browder, Chapman, Davis, Echols, Garleck, Graham, Haden, Hobbs, Jackson, Jones, King, Kirkland, Lockett, Maples, Menasco, McConnell, Milligan, Miree, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Taylor of Coosa, Taylor of Chambers, Thornton, Ward of Cherokee and Ward of Dale—34.

Nays—Messrs. Alston, Belser, Brown of Marion, Brown of Tuskaloosa, Byrne, Clanton of Montgomery, Clanton of Sumter, Cochran, Critcher, Curry, Goode, Grubbs, Howard, Jay, Langdon, Larkins, McBride, McMullen, Moragne, Moorer, Sanford and Thorn—22.

Mr. Goode moved to adjourn till half past 9 o'clock tomorrow morning.

Yeas 25 ; nays 21.

No quorum voting.

Yeas—Messrs. Speaker, Acree, Belser, Bradley, Byrne, Chapman, Cochran, Curry, Davis, Echols, Ellis of Benton, Goode, Graham, Jackson, Lockett, Menasco, Miree, Peddy, Remson, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Ward of Cherokee and Ward of Dale—25.

Nays—Messrs. Alston, Beck, Brown of Marion, Browder, Clanton of Montgomery, Clanton of Sumter, Garleck, Grubbs, Howard, Jay, Langdon, Larkins, McBride, McMullen, Milli-



gan, Moorers, Nabors, Pennington, Portis, Pynes and Sanford—21.

But the Speaker declared the House adjourned until tomorrow morning, half past 9 o'clock.

FRIDAY, February 15, 1856.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Dorman.

Mr. Belser moved to suspend all other business to take up local bills.

Which motion prevailed.

The Chair appointed the following additional members upon the committee on Enrolled bills, viz:

Messrs. Kirkland, Woolsey, Garleck, Nicholson, Wright, Curry, McConnell, Clanton and McClanahan.

The Senate bill for the benefit of John W. Weston, was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed.

Message from the Senate by Mr. Taul:

Mr. Speaker.

The Senate has passed House bills with the following titles:

To authorize William Welthington, of Walker county, to erect a mill dam therein named.

To authorize the building of a mill dam in Marion county.

The more effectually to secure the apprehension or retaking of persons charged with criminal offences.

For the relief of James W. Jeter of Coosa county.

For the benefit of certain persons therein named.

To pay Goldsberry Ray a certain sum of money for provisions and forage furnished United States mounted troops during war with the Creek Indians, in 1837.

To authorize Daniel Roberts to erect a gate across a public road therein named.

For relief of Thomas Connaway, Tax Collector of Coosa county.

To pay certain claims against the State.

To authorize John Warwick to build a dam across the Warrior, in Blount county.

To prohibit the retail or sale of ardent spirits within three miles of Spring Hill Academy, in Marengo county.

To authorize the issuance of writs of attachments out of the Courts of Chancery.

To permit Sheriffs to take bond in certain cases.

Better to preserve the journals of the General Assembly of the State of Alabama.

Joint memorial of the General Assembly of the State of Alabama to the President of the United States.

The Senate has originated and passed bills entitled :

An act to amend an act entitled an act to incorporate the South and North Alabama Railroad Company.

An act more effectually to prevent giving or selling to minors vinous or spirituous liquors.

Mr. Portis, from the committee on Enrolled Bills, reported the following as correctly enrolled :

An act for the relief of Peter McGhee, late Tax Collector of Pickens county.

An act to repeal sections 939, 940 and 941 of the Code, so far as Barbour county is concerned.

An act to incorporate the Wetumpka Insurance Company.

An act to prohibit the teaching of slaves to read and write.

An act for the relief of M. W. Creagh, guardian of the minor heirs of G. W. Creagh, deceased.

An act to divorce Caroline Grubbs from her husband, Morgan Grubbs.

An act for the benefit of Frederick Peryuer.

An act to incorporate the Central Agricultural Society at Selma.

An act declaring Pigeon *alias* Shoal Creek, a public highway, in Covington county.

An act to regulate the distribution of property in certain cases.

An act for the relief of Horatio Ferguson and Jeremiah Lafarlett of Madison county.

An act to amend section 3222 of the Code.

An act to amend the charter of the West Point, Georgia, and Tennessee River Railroad Company, approved February 4, 1854.

An act for the relief of Jefferson M. Townsend of Pike county.

An act to be entitled an act to create an additional company beat, and for other purposes, in Jackson county.

An act in relation to the duties of Grand Jurors.

An act concerning bail in criminal cases.

An act to pay Samuel F. Rice, and other persons, for servant hire.

An act to authorize Benjamin Perry to erect a gate across a certain public road therein named.

An act to appoint Commissioners for the town of Warrenton, in the county of Marshall.

An act for the relief of the deaf and dumb, in this State.

An act to amend the charter of the Western Railroad Company of Alabama.

An act to repeal in part an act to regulate the pay of Grand and Petit Jurors for the county of Covington, and for other purposes.

An act to amend section 1946 of the Code.

An act to incorporate the Wetumpka Steamboat Company.

An act to change and modify section 2706 of the Code, in relation to the lien on steamboats.

An act to authorize A. M. Woods to erect gates across a certain road therein named.

An act for the benefit of certain persons therein named.

An act to divorce Mary E. Guilder from her husband, Thaddeus W. Guilder, and to divorce other persons therein named.

An act to incorporate the Futaw Insurance Company.

An act to reclaim the swamp and overflowed lands within this State.

An act to apportion Representatives amont the several counties of this State into Senatorial Districts.

An act authorizing the building of a mill dam in Marion county.

An act to regulate the license of pedlers in Chambers county.

An act to authorize Daniel Roberts to erect a gate across a public road therein named.

An act to pay Goolsberry Ray a certain sum of money for provisions and forage furnished United States mounted troops during the war with the Creek Indians, in 1837.

An act to amend the charter of the Western Railroad Company of Alabama.

An act to enable the next of kin of Henry Miller, deceased, to inherit his real estate.

An act supplementary to an act to regulate the system of Public Schools in the county of Mobile, approved January 16, 1854.

An act for the relief of James W. Jeter of Coosa county.

An act the better to preserve the journals of the General Assembly of the State of Alabama.

An act to authorize the issuance of writs of attachments out of the Courts of Chancery.

An act the more effectually to secure the apprehension or retaking of persons charged with criminal offences.

An act to incorporate the Florida and Alabama Union Railway Company.

An act to permit Sheriffs to take bond in certain cases.

An act to authorize John Warwick to build a dam across the Warrior, in Blount county.

An act for the benefit of certain persons therein named.

An act to authorize William Welthington, of the county of Walker to erect a mill dam therein named.

An act to incorporate the Shelby Lime Company.

An act for the relief of William Connaway of Coosa county.

An act to pay Phillip D. Roddy a certain sum of money.

Joint memorial of the General Assembly of the State of Alabama to the President of the United States.

An act to incorporate the Autaugaville Male and Female Academy.

An act for the relief certain persons therein named.

An act to divorce Geo. W. Watson from his wife, Maranda Watson, and to divorce other persons therein named.

An act to repeal an act therein named, and for other purposes.

An act to amend section 2806 of the Code.

An act to amend section 3222 of the Code.

An act to amend an act entitled an act to incorporate the South and North Alabama Railroad Company.

An act making appropriations to certain persons therein named.

An act to prohibit the retail or sale of ardent spirits within three miles of Spring Hill Academy, in Marengo county.

An act making appropriations to certain persons therein named.

An act to create an additional company beat in Jackson county, and for other purposes.

An act to restrict the County Court Commissioners of Franklin county.

An act for the relief of William Chancellor of Coosa county.

An act relating to taxes in the city of Mobile.

An act for the relief of Jane Critzberg of Mobile county.

An act to repeal in part a certain act therein named.

An act for the benefit of the Tax Assessor of Sumter county.

An act for the relief of John Lawrence of Cherokee county.

The Senate bill :

To authorize Marshall B. Smith, Richard H. Brasher and their associates, to turnpike a certain road therein named, was read the first time, and the rule being suspended, the same was read the second and third times forthwith and passed.

The House concurred in the amendments of the Senate to the House bill to incorporate the Florida and Alabama Union Railroad Company.

The Senate bill—

To amend an act incorporating the town of Opelika—

Was read the first time, and the rule being suspended, the same was read the second and third times forthwith, and passed.

The Senate bill—

To prohibit the sale of spirituous liquors and wines within one mile of the Fort Browder Academy, in Barbour county.

The Senate bills—

For the relief of S. M. Ingersoll, of Russell county ;

To define and establish definitely the dividing line between beats more generally known as Alexandria and Colvin's beats, in Benton county ;

To amend an act therein named, so far as relates to Autauga county ;

To establish an additional company beat in Jackson county, and for other purposes ;

To incorporate the Shelby Coal company ;

For the relief of certain persons therein named ;

To authorize James D. Hansby and his successors to erect a mill-dam across the Mulberry fork of the Warrior River ;

To authorize William Adamson to erect a dam across the Tallapoosa River, in Chambers county ;

To establish a Medical Board in the county of Greene ;

For the relief of Wm. H. Maynor ;

To enable Brittan & Blue, late State Printers, to have a certain claim against the State adjudicated ;

For the relief of Wm. T. Webb—amended by the House ;

To amend an act entitled “an act to incorporate the South and North Alabama Railroad Company” ;

To authorize the Governor to issue a patent to certain persons therein named—

Were severally read, and the rule being suspended, the same were read the second and third times forthwith, and passed.

The House concurred in the amendments of the Senate to the House bill—

To amend an act entitled “an act to incorporate the Mechanics' Savings Company of Mobile.”

The House concurred in the amendments of the Senate to the House bill—

To amend section 2806 of the Code.

The Senate bill—

For the relief of Samuel B. Sparks—

Was read the first time, and the rule being suspended, the same was read the second and third times, and passed.

Mr. Beck, from the committee on Corporations, reported favorably to the bill—

To incorporate the town of Summerville, in Morgan county,

The constitutional rule was suspended, and the bill was read the third time, and passed, and ordered to be sent forthwith to the Senate.

The House concurred in the amendment of the Senate to the House bill—

For the relief of Wm. Chancellor, of Coosa county.

The Senate bill—

To incorporate the Talladega and Tallapoosa Mining and Manufacturing Company—

Was read the first time, and ordered to a second reading.

The House concurred in the amendments of the Senate to the House bill relating to taxes in the city of Mobile.

The Senate bill—

Making an appropriation to pay a certain claim against the State—

Was read, and laid on the table.

Mr. Critcher moved to take said bill from the table.

Carried.

The constitutional rule was suspended, the bill was read the second and third times forthwith.

The House refused to pass the bill.

The House concurred in the amendments of the Senate to the House bill—

For the benefit of certain persons therein named.

The House concurred in the amendments of the Senate to the House bill—

To incorporate the Wetumpka Wharf Company.

The Senate bill—

For the relief of Jacob Bently and Lucy Ann H. Cotton—

Was read the first time, and the House refused to suspend, to give it a further reading.

The Senate bill—

To define more properly the duties of Tax Assessors in the counties of Henry and Dale.

Mr. Haden moved to suspend to offer a resolution.

Carried.

Mr. Haden then offered the following resolution, which was adopted :—[Copy not furnished the Printer.]

Message from the Senate, by *Mr. Taul*.

*Mr. Sanford* introduced a bill—

For the relief of *R. M. Brooks*, Tax Collector of Cherokee county;

Which was read the first time, the rule was suspended, the same was read the second and third times forthwith, and passed.

The House concurred in the amendments of the Senate to the House bill,

To repeal in part a certain act therein named.

The Senate bills—

For the relief of certain persons therein named ;

To repeal in part section 337 of the Code of Alabama, in relation to the licensing of auctions, so far as the same relates to the county of Tuscaloosa ;

To prevent the sale of alcoholic or vinous liquors in the town of Montevallo and vicinity ;

To change the time of trying the criminal docket of Butler county ;

To prevent the retailing of spirituous or vinous liquors within two miles of Dog River Factory, in Mobile county ;

Were severally read the first time, and on motion, were severally ordered to lie on the table.

Message from the Senate, by *Mr. Taul*.

*Mr. Speaker*:

The Senate has passed a bill—

For the relief of *John Lawrence*, of Cherokee county ; and a bill—

For the relief of the Tax Assessor of Sumter county.

Message from the Senate, by *Mr. Taul*.

*Mr. Speaker*:

The Senate has passed House bills—

For the relief of *Jane Cantzberg*, of Mobile county ;

To repeal an act therein named, and for other purposes ;

To incorporate the Autaugaville Male and Female Academy ;

A Senate bill—

For the relief of *Samuel B. Marks*.

Message from the Governor, by *J. D. Catlin, Jr.*, Private Secretary.

*Mr. Speaker*:

His Excellency, the Governor, has approved of bills, which originated in the House of Representatives, of the following titles :

An act to divorce *Elijah Harris* from his wife, *Martha Harris*, and to divorce other persons therein named ;

An act to increase the pay of Grand and Petit Jurors in the county of Cherokee, and for other purposes ;

An act to amend an act entitled, an act to incorporate the Graeffenburg Medical Institute ;

A bill to be entitled, and act to incorporate and aid the Alabama State Agricultural Society, in the State of Alabama ;

An act to repeal in part and to amend an act therein named ;

An act to incorporate the Madison Rifles ;

An act to change the time of holding the Chancery Courts in Benton and Talladega counties ;

An act to render more efficient the system of Free Public Schools in the State of Alabama ;

An act for the benefit of certain persons therein named ;

An act declaring Pigeon *alias* Shoal Creek, a public highway, in the county of Covington ;

An act to divorce Mary E. Gilder from her husband, Thaddeus W. Gilder, and to divorce other persons therein named :

An act to compensate physicians for certain services therein named ,

An act to compensate surgeons and physicians in certain cases ;

An act to change the times of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

An act to amend an act therein named, so far as relates to Autauga county ;

An act for the benefit of certain persons therein named ;

An act to compensate J. W. Faith, the Sheriff of Washington county :

An act for the relief of the School Commissioners of Marshall county :

An act to legalize certain election precincts in Wilcox county.

An act for the benefit of certain persons therein named.

His Excellency, the Governor, has also approved of an act making appropriations for the fiscal year of 1856-'57. This approval is given in connection with "an act to explain an act therein named," also approved, which sets aside and makes void the appropriation made in the act making appropriations for the fiscal year of 1856-'57, to Joel Riggs, late Comptroller, of twenty cents for each foolscap page, &c.

Mr. Dawson moved to take from the table the minority report in regard to Dr. Bass's claim against the State, for treatment of small-pox cases, &c

Lost.



Mr. Woolsey offered the following resolutions, which were unanimously adopted :

*Resolved*, That the thanks of this House are due, and are hereby tendered to the Hon. R. W. Walker, for the able, impartial and efficient manner in which he has presided over its deliberations.

*Resolved further*, That in making this tender, we desire to be distinctly understood as expressing our honest sentiments in relation to an officer, whose position in many cases has been difficult and delicate, but who, in every instance, has given his decisions promptly and fearlessly, and thus, in an extraordinary degree, facilitated and expedited the business of the session.

Mr. Brown of Marion offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of this House be tendered to the Principal, Assistant, and Engrossing Clerks and Door-Keepers, for the faithful manner in which they have discharged their several duties.

Mr. Cunningham offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of this House be tendered to the Ministers of the Gospel of the city of Montgomery, for the services they have rendered this House.

Message from the Senate, by Mr. Taul.

Mr. Speaker :

The Senate has adopted the following resolution :

*Resolved, by the Senate and House of Representatives in General Assembly convened*: That the Joint Resolution that the two Houses will adjourn *sine die* on this day at 12 m., be and the same is hereby rescinded, for the purpose of perfecting and agreeing on a bill to be entitled "an act to provide for closing the remaining business of the State Bank and Branches," and for other purposes, except signing bills and receiving messages from the Governor; provided the time do not extend beyond 6 o'clock this evening.

The concurrence of the House is requested.

Mr. Haden offered the following resolution, which was unanimously adopted :

*Resolved*, That the Reporters of the various papers, published in Montgomery, are entitled to the thanks of this body, for the very able and impartial manner in which they have discharged their duties.

Mr. Brown asked, and obtained leave to withdraw the papers of C. G. Pritchard.

Mr. Alston, asked and obtained leave, to withdraw the papers of Messrs. Lessene and Kent.

Mr. Menasco, from the committee on the Military, made the following report :

The committee on the Military, to whom was referred the biennial report of the Adjutant General of this State, have had the same under consideration, and instruct me to report that they find the same correct, as far as their means of information extend. We regret to find that the militia laws for organizing and disciplining the militia of this State have been so much disregarded. We are satisfied that the laws are sufficient, if enforced, to ensure a very different, and a much higher scale of militia organization and discipline, than the report before us indicates. The fault, evidently, lies in those officers, whose duty it is to ascertain the strength and condition of the different regiments, brigades and divisions in this State, and report to the Adjutant General. The committee therefore recommend a more rigid enforcement of the military laws, with a view to a better organization, as well as more full and complete returns of the strength and condition of the militia and arms belonging to the State. From any further consideration of the subject, your committee beg leave to be discharged.

Said report was concurred in, and the committee discharged.

Message from the Senate, by Mr. Tanl.

Mr. Speaker :

The Senate refuses to concur in the amendment made by the House to the bill to close the remaining business of the State Bank and Branches.

The Senate has passed House bills to restrict the County Court Commissioners of Franklin county ;

To prohibit gambling on steamboats ;

To repeal in part an act therein named—amended by the Senate ;

To incorporate the town of Somerville, in the county of Morgan.

The Senate has passed a House bill for the relief of R. M. Brooks, Tax Collector of Cherokee county.

Mr. Echols moved to suspend the business before the House, in order to take up the Senate bill for the burning of certain notes of the State Bank and Branches.

Mr. Curry moved to lay the bill on the table.

Mr. Curry moved to recede from the House amendments to the bill.

Mr. Menasco moved to lay Senate bill on the table.

(Mr. Jackson in the chair) the Chair decided the motion to be out of order, at this stage of the Session, from which decision, Mr. Menasco appealed, and the question being, "shall the decision of the Chair stand as the decision of the House?"

It was decided in the affirmative.

Yeas 58 ; nays 2.

Yeas—Messrs. Acree, Alford, Alston, Barry, Beavers, Beck, Bishop, Bradley, Brown of Tuskaloosa, Browder, Camp, Chapman, Clanton of Montgomery, Cochran, Curry, Ellis of Benton, Galloway, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs, Howard, Jay, Jones, King, Langdon, Larkins, Lockett, Maples, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nabors, Nicholson, Odem, Owens, Peddy, Pennington, Portis, Pynes, Remson, Rhodes, Rice, Sanford, Smith of Franklin, Smith of Lauderdale, Taylor of Chambers, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale and White—58.

Nays—Messrs. Menasco and McBride—2.

Mr. Cochran moved that the House adhere to its amendments.

Carried.

Yeas 41 ; nays 18.

Yeas—Messrs. Speaker, Acree, Alford, Beavers, Beck, Bradley, Browder, Burgess, Byrne, Chapman, Clanton of Montgomery, Cochran, Galloway, Garleck, Goode, Grubbs, Haden, Hobbs, Jackson, Jay, Jones, King, Larkins, Lockett, Maples, Menasco, McClanahan, McMullen, Milligan, Miree, Odem, Peddy, Pennington, Portis, Pynes, Rhodes, Rice, Taylor of Chambers, Towles, Ward of Cherokee and Ward of Dale—41.

Nays—Messrs. Alston, Bishop, Brown of Tuskaloosa, Camp, Clanton of Sumter, Cunningham, Curry, Ellis of Benton, Hancock, Howard, Langdon, Moragne, Moorer, Owens, Sanford, Smith of Franklin, Thornton and Thorn—18.

Mr. Cochran moved that a committee of three be raised on the part of the House, to act with a like committee to be raised on the part of the Senate, to confer, adjust and report upon matters, the matters of difference between the two Houses upon the bill to provide for the closing of the remaining business of the State Bank and Branches.

Carried.

The Chair appointed Messrs. Cochran, Beck and Curry, on said committee.

The House then adjourned till 3 o'clock, p. m.

## AFTERNOON SESSION, February 15, 1856.

The House met pursuant to adjournment.

Mr. Goode moved a call of the roll.

Lost.

Mr. Goode moved to adjourn until 5 o'clock, p. m.

Mr. Maples moved that the Door Keeper be sent for absent members.

Carried.

Fifteen members voting in the affirmative.

Mr. Chapman asked leave to introduce a resolution.

The House refused to grant leave.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of bills which originated in the House of Representatives, of the following titles :

An act to authorize Wm. Welthington, of the county of Walker, to erect a mill dam therein named ;

An act to permit Sheriffs to take bond in certain cases ;

An act to divorce George W. Watson from his wife, Maranda Watson, and to divorce other persons therein named ;

An act for the relief of Horatio Ferguson and Jeremiah Lafarlette, of Marshall county ;

An act for the relief of M. W. Creagh, guardian of the minor heirs of G. W. Creagh, deceased ;

An act for the benefit of Frederick Peryuer ;

An act to regulate the distribution of property in certain cases ;

An act in relation to the duties of Grand Juries ;

An act to incorporate the Florence Insurance Company ;

Joint Memorial of the General Assembly of the State of Alabama, to the President of the United States ;

An act to incorporate the Wetumpka Steamboat Company ;

An act to incorporate the Selma Receiving and Forwarding Company ;

Joint Resolutions of the General Assembly of the State of Alabama, providing for the call of a convention ;

An act making appropriations to certain persons therein named ;

An act to repeal in part an act, to regulate the pay of Grand and Petit Jurors for the county of Covington, and for other purposes ;

An act to authorize the Commissioners' Court for Choctaw county, to establish an election precinct ;

An act to divorce Thomas Carroll, and to divorce other persons therein named ;

An act to amend section 2806 of the Code ;

An act to pay Philip D. Roddy, a certain sum of money ;

An act to declare Luxapalislle Creek, in Fayette county, a public highway.

An act concerning bail in criminal cases ;

An act to pay Samuel F. Rice, and others, for servants hire ;

An act to change and modify section 2706 of the Code, in relation to the lien on steamboats ;

An act to divorce Caroline Grubbs from her husband Morgan Grubbs ;

An act to restrict the County Court Commissioners' of Franklin county ;

An act to incorporate the Florence and Alabama Union Railway Company ;

An act to amend the Charter of the Western Railroad Company of Alabama ;

An act to establish a Medical Board in the county of Pickens ;

An act for the relief of the Deaf and Dumb in this State ;

An act to appoint Commissioners for the town of Warrenton, in the county of Marshall ;

An act to apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts ;

An act to authorize the issuance of writs of attachments out of the Courts of Chancery ;

An act to repeal an act therein named, and for other purposes ;

An act the more effectually to secure the apprehension or retaking of persons charged with criminal offences ;

An act to repeal in part a certain act therein named :

An act for the relief of William Chancellor, of Coosa county ;

An act for the relief of James W. Jeter, of Coosa county ;

An act to incorporate the Wetumpka Wharf Company ;

An act to pay Goldsberry Ray, a certain sum of money for provisions and forage furnished United States mounted troops during the war with the Creek Indians, in 1837 ;

An act relating to taxes in the city of Mobile ;

An act to amend section 3222 of the Code of Alabama ;

An act the better to preserve the Journals of the General Assembly of the State of Alabama ;

An act to authorize Daniel Roberts, to erect a gate across a public road therein named.

Mr. Cochran, from the committee of Conference, raised on the part of the House, &c., made the following report :

The committee of Conference, charged with the consideration of the matters of agreement between the two Houses of the General Assembly, on a bill to be entitled an act for closing the remaining business of the State Bank and Branches, have considered the same, and upon agreement, instruct me to report the following substitute and recommend its adoption.

Said substitute was adopted.

Yeas 40 ; nays 11.

Yeas—Messrs. Speaker, Acree, Barry, Belser, Bradley, Brown of Tuskalooza, Clanton of Sumter, Cochran, Cunningham, Curry, Echols, Ellis of Benton, Grubbs, Haden, Hancock, Howard, Jackson, Jones, Langdon, Larkins, Maples, McMullen, Miree, Moorer, Nicholson, Odem, Owens, Pynes, Reid, Rice, Sanford, Smith of Franklin, Taylor of Chambers, Taylor of Mobile, Thornton, Thorn, Towles, Ward of Cherokee, Ward of Dale and Woolsey—40.

Nays—Messrs. Alston, Chapman,\* Garleck, Graham, Lockett, McConnell, Moragne, Nabors, Peddy, Pennington and Wright—11.

Mr. Cochran offered the following resolution :

*Resolved*, That with the concurrence of the Senate, a Joint committee be appointed on the part of each House, to wait on his Excellency, the Governor, and to inform him that the General Assembly will be ready to adjourn *sine die* on this evening, at 6 o'clock, and to ask of him, whether or not, he has any further communication to make to either Branch of the said General Assembly.

Said resolution was adopted.

Messrs. Cochran, Belser and Chapman, were appointed by the Chair, on said committee.

Mr. Cochran asked leave to return several bills not reported upon.

Granted.

Mr. Cochran, from the Joint committee, to wait on his Excellency, the Governor, &c., reported that the committee had discharged that duty, and that the Governor would, by six o'clock, have made all his communications to the House.

Mr. Graham asked and obtained leave, to withdraw the papers of James Bowlwan of Tallapoosa county.

Message from the Governor, by J. D. Catlin, Jr., Private Secretary.

Mr. Speaker :

His Excellency, the Governor, has approved of a bill that originated in the House of Representatives, of the following title :

An act to prohibit gambling on steamboats.

On motion of

Mr. Jackson, the Senate was informed that the House had finished its business, and was ready to adjourn *sine die*.

Mr. Speaker Walker then rose and responded to the resolutions in an appropriate and feeling manner, bade the members of the House FAREWELL, and announced the House adjourned *sine die*.

R. W. WALKER,  
Speaker of the House of Representatives.

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**NABORS, Mr.**—Introduced joint resolutions, 72, 92 ; introduced bills, 8, 29, 34, 42, 49, 75, 106, 144, 201, 226, 247, 277, 278, 501 ; offered resolutions, 33, 48, 269 ; presented petitions, 106, 226, 247, 278 ; moved to amend, 85, 301, 398 ; moved to lay on table, 179, 236, 246, 364, 594, 598 ; moved to suspend, 133, 269, 349, 581 ; made reports, 49 : to strike out and insert, 204, 205, 241.

**NICHOLSON, Mr.**—Introduced bills, 61, 170 ; moved to amend, 455 ; to strike out and insert, 455.

**ODEM, Mr.**—Introduced bills, 139, 313.

**OWENS, Mr.**—Introduced bills, 49, 80, 117 ; presented account, 261 ; moved to lay on the table, 67, 326, 574 ; moved to suspend, 231, 397, 413.

**PEDDY, Mr.**—Introduced bills, 34, 338, 419 ; presented petition, 56 ; made motion 417.

**PENNINGTON, Mr.**—Introduced resolution, 286 ; introduced bills, 139, 152, 227, 255, 285, 368, 476 ; presented accounts, 172, 314 ; moved to amend, 158, 245 ; moved to suspend, 130, 181, 286, 432, 518 ; moved to lay on the table, 153 ; moved to take from the table, 245, moved to re-commit, 245 ; moved to postpone 453 ; presented memorial, 478.

**POWELL, Mr.**—Joint resolution, 484, called for previous

question ; introduced bills, 23, 29, 31, 49, 55, 88, 105, 128, 255, 338, 387 ; on enrolled bills, 435, 615 ; offered resolutions, 8 ; presented memorial, 107, 118 ; presented accounts, 256 ; moved to suspend, 55, 157, 310, 408, 428, 471, 477, 409, 484, 439, 601 ; moved to amend, 292, 380, 440, 471 ; moved to fill blank, 142 ; moved to reconsider, 190 ; moved to strike out and insert, 297, 482 ; moved to postpone, 401, 487 ; made motion, 424, 581 ; moved to refer, 69.

PORTIS, MR.—Presented petition, 30 ; 67, 501 ; moved to amend, 68 ; on enrolled bills, 353, 364, 437.

PRYOR, MR.—Introduced bills, 55, 111, 261, 277 ; moved to suspend, 55, 123, 210 ; moved to amend, 263, 360.

PYNES, MR.—Introduced bills, 92, 105 ; presented petition, 160, 200, 261.

REID, MR.—Introduced bills, 23, 42, 49, 60, 75, 80, 106, 278, 575 ; presented petition, 39, 402, 403, 478, 59 ; moved to reconsider, 521 ; moved to amend, 100, 102, 119, 598 ; moved to lay on the table, 120, 317 ; moved to suspend, 188, 280, 340, 344, 478, 509, 544 ; moved to re-commit, 184 ; moved to refer, 201 ; moved to postpone, 283, 505 ; entered protest, 243 ; made motion, 402.

REMSON, MR.—Introduced bills, 955, 107, 117, 281, 255, 278 ; offered resolutions, 50 ; moved to lay on the table, 548 ; moved to adjourn, 549 ; moved to suspend, 115, 196, 288, 324, 479, 526, 549 ; moved to postpone, 516.

RHODES, MR.—Introduced bills, 201, 248, 421 ; moved to refer, 419 ; made motion, 547 ; moved to amend, 182, 189, 298 ; moved to suspend, 192, 247, 418 ; moved to lay on the table, 429.

RICE, MR.—Offered resolutions, 63, 302 ; introduced bills, 23, 29, 42, 105, 201, 287, 338, 340 ; presented accounts, 23, 55 ; presented memorials, 201 ; made motion, 302 ; to postpone, 298, 301 ; moved to amend, 53, 257 ; moved to lay on the table, 59, 113, 468, 496 ; moved to suspend, 115, 168, 218, 250, 327 ; called for division of question, 245 ; moved a call of the roll, 241 ; from committee on banks and banking, 364.

SANFORD, MR.—Offered resolutions, 187, 461, 600 ; from select committee, 363 ; introduced bills, 22, 33, 42, 60, 66, 75, 117, 171, 200, 255, 314, 338, 402, 402, 419, 478 ; moved to postpone, 483 ; on enrolled bills, 431, 451 ; moved to reconsider, 542 ; moved to suspend, 66, 171.

187, 325, 600 ; moved to amend, 73, 82, 353, 370 ; to lay on table, 553.

**SHACKELFORD, MR.**—Introduced bills, 29, 55, 76, 387 ; presented petitions, 126, 338 ; presented accounts, 145, 201 ; moved to lay on the table, 150, 194, 195.

**SHEFFIELD, MR.**—Introduced joint resolutions, 92 ; introduced bills, 29, 39, 144, 170, 277, 501, 547 ; presented petitions ; presented accounts, 49 ; moved to suspend, 547, 563 ; offered resolutions, 564 ; made motion, 565 ; take from table, 210 ; previous question, 172 ; entered protest, 243.

**SMITH, MR. OF FRANKLIN.**—Introduced bills, 42, 79, 128, 276 ; offered resolutions, 9 ; moved to suspend, 140, 156, 340, 369 ; moved to postpone, 153, 418 ; moved to amend, 154 ; moved to lay on table, 92, 158, 298, 341 ; moved to reconsider, 89 ; moved to strike out and insert, 31 ; moved to fill blank, 142 ; moved division of question, 190, 420 ; made motion, 475 ; moved the previous question, 269 ; moved to adjourn, 45.

**SMITH, MR. OF LAUDERDALE.**—Introduced bills, 117, 500 ; offered resolutions, 503 ; made motion, 425, 434 ; moved to amend, 319, 478, 482 ; moved to adjourn, 482 ; moved to suspend, 111, 488, 500, 563, 548, 582, 583 ; made motion, 22, 40, 54, 555, 512 ; moved the previous question, 154, 195 ; moved to postpone, 156 ; moved to refer, 53, 129, 201 ; division of question, 208 ; moved to lay on table, 25, 50, 53, 112, 159, 328, 357, 461 ; appealed from decision of chair, 27.

**SMITH, MR. OF MOBILE.**—Introduced bills, 34, 240, 261, 287, 340, 478 ; moved to lay on table, 180 ; moved to suspend, 140, 240, 502, 553 ; to strike out and insert 269.

**SMITH, MR. OF RANDOLPH.**—Introduced bills, 29, 314, 421 ; presented petitions, 93, 135.

**STATON, MR.**—Offered joint resolutions, 46 ; introduced bills, 42, 245 ; offered resolutions, 34, 262, 417 ; presented petitions, 29, 199 ; made motions, 428, 575 ; moved to lay on the table, 180, 183, 352, 385 ; offered substitute, 302 ; moved to amend, 119, 182 ; moved to postpone, 206, 398 ; moved to suspend, 46, 75, 190, 245, 262, 417, 428 ; moved previous question, 27, 254 ; moved to recommit, 245.

**SYKES, MR.**—Offered resolution, 329 ; introduced bills, 49, 79, 339 ; presented accounts, 256, 277 ; moved to suspend, 244, 311, 329 ; presented memorial, 348 ; moved the previous question, 330 ; moved to adjourn, 324.

**SPEAKER, MR.**—Introduced joint resolutions, 69 ; laid documents before the House, 22, 27, 33, 42, 54, 56, 60, 75, 79, 87, 98, 105, 111, 116, 124, 127, 151, 176, 207, 210, 244, 260, 266, 288, 387 ; laid reports before the House, 33, 35, 48, 66, 143, 159 ; laid communications before the House, 46, 82, 98, 116, 244 ; laid census reports before the House, 59, 111 ; offered resolutions, 389 ; moved to lay on table, 446, 488 ; made motion, 476 ; made remarks, 633.

**TAYLOR, MR. OF CHAMBERS**—Presented petition, 338 ; introduced bills, 88, 152, 199, 200 ; moved to postpone, 396, moved to lay on table, 427, 468 ; moved to amend, 182 ; moved to suspend, 315, 347, 484 ; presented account, 420.

**TAYLOR, MR. OF COOSA**—Presented petition, 126, 339 ; moved to amend, 53.

**TAYLOR, MR. OF MOBILE**—Moved to suspend, 453.

**THORNTON, MR.**—Introduced joint resolutions, 80, 140 ; introduced resolutions, 276 ; introduced bills, 22, 33, 38, 42, 55, 125, 287, 369 ; presented petition, 80 ; to lay on table, 136, 273, 456, 486 ; moved to suspend, 276, 278, 437, 445, 486, 506, 549, 559 ; to strike out and insert, 182, 299, 468 ; moved to adjourn, 617 ; moved to amend, 377 ; made motion, 600 ; for division of question, 440 ; moved to adjourn, 284, 585.

**THORN, MR.**—Introduced bills, 48, 55, 92 ; moved to amend, 584, 341.

**TOWLES, MR.**—Introduced bills, 287, 314 ; moved to except Chambers, 68 ; moved to suspend, 130, 202, 425 ; to amend, 238 ; moved to lay on table, 40, 157, 181, 183, 293 ; to postpone, 329 ; presented account, 403.

**WARD, MR. OF CHEROKEE**—Introduced bills, 79, 246, 255 ; presented petition, 276, 286.

**WARD, MR. OF DALE**—Introduced bills, 42, 54, 144 ; presented petition, 276 ; moved to lay on table, 78.

**WINSTON, GOV. JOHN A.**—Votes cast for Governor, examined by the two Houses, 40 ; inaugurated, 230.

**WHITE, MR.**—Presented accounts, 88, 420.

**WITHERS, MR.**—Introduced bills, 23, 56, 67, 89, 106, 170, 171 ; moved to amend, 68 ; moved to suspend rule, 67, 186, 187, 207 ; moved to lay on table, 27, 68, 69.

**WILLIAMS, MR.**—Introduced bills, 23, 55, 61, 127, 140 ; moved to lay on table, 543, 553 ; moved to suspend, 135.

**WRIGHT, MR.**—Offered resolutions, 171 ; introduced bills,

22, 29, 79, 152, 170, 238, 246 ; presented account, 88 ; moved to amend, 328 ; moved to suspend, 170 ; presented petition, 387.

WOOD, MR.—Introduced bills, 278, 501 ; moved to suspend, 501 ; made motion, 311 ; presented petition, 403.

WOOLSEY, MR.—Introduced bills, 33, 38, 54, 88, 105, 125, 134, 139, 255, 276, 287, 419, 479, 540 ; offered resolution, 627 ; from select committee, 264 ; moved to suspend, 539 ; presented memorials 55, 112, 200 ; moved to amend, 124, 198, 257, 342, 426, 433 ; moved to re-committee, 95 ; moved to postpone, 141, 252, 576 ; moved to suspend, 162, 227, 228, 248, 267, 268 ; to strike out and insert, 203, 204, 257 ; moved previous question, 159 ; moved to lay on table, 350, 485 ; moved to adjourn, 401, 561, 604 ; moved to reconsider, 470.

WINSTON, MR.—Introduced bills, 48, 54, 105, 200, 246, 419 ; offered resolution, 50 ; presented petition, 30, 200, 276, 420, 421 ; moved to amend, 81, 84, 130, 216, 288, 342, 444 ; moved to suspend, 140, 200, 325, 359 ; strike out and insert, 206 ; moved to refer, 276, 281 ; moved to postpone, 291, 578 ; moved to adjourn, 320, 324.

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